



2013-14

**STUDENT BEHAVIOR HANDBOOK:**

**RIGHTS &  
RESPONSIBILITIES**



## **Robbinsdale Area Schools Mission**

The mission of Robbinsdale Area Schools is to inspire and educate all learners to discover their potential and positively contribute to their community.

## **Robbinsdale Area Schools Vision**

Every student, staff member, parent and community member takes pride in Robbinsdale Area Schools.

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August 2013

Dear Families and Students of Robbinsdale Area Schools,

Welcome to a new school year! The Student Behavior Handbook: Rights, Roles and Responsibilities reflects our continued commitment to district-wide consistent implementation of frameworks that help to ensure the success of all of our students. These programs help to create positive learning environments in which everyone is instilled with the personal responsibility to create supportive, safe and challenging schools.

Robbinsdale Area Schools uses the framework known as Positive Behavior Interventions and Supports (PBIS), and more information about that framework is found within this handbook. We have experienced very positive results so far with the implementation of PBIS and the creation of this handbook, including reduced numbers of suspensions and expulsion referrals, which results in more time in the classroom learning. We are excited about these results.

This handbook for 2013-2014 contains some very minor changes including revisions/clarifications in the definition of abusive language found on pages 15 and 29; the addition of definitions of substantial disruption and multiple/chronic-repeat found in charts from pages 13-18 and in the glossary on pages 32 and 30, respectively; and a revision to our transportation consequences matrix on page 20. However, the goal continues to be the same: to give each student the opportunity to graduate from high school prepared

for college, career, and productive citizenship. **It is important that families read and discuss this handbook and keep it in a place where it can be easily referenced.**

It is in your student's best interest to become familiar with and understand their rights at school, their responsibilities for and procedures to deal with unacceptable behavior, which includes the world of social media. Together we can help our students learn the effects of positive self-discipline on their learning and help them to interact with others in a way that benefits all.

We look forward to a productive year of learning and growth in Robbinsdale Area Schools, where students can and will build upon their successes. Thank you for partnering with us on this journey.

Sincerely,



Aldo Sicoli  
Superintendent, Robbinsdale Area Schools





## SHARED RESPONSIBILITIES

### *Increasing Respect, Responsibility and Engagement*

To provide a safe and welcoming environment and inspire and educate all learners to discover their potential and positively contribute to their community, the Robbinsdale Area Schools has incorporated changes to the *Student Behavior Handbook: Rights and Responsibilities*, the district's policy handbook. The changes include an increase in respect, responsibility and engagement from all stakeholders. To ensure a positive learning environment at all district sites all stakeholders have an important role:

#### **Students**

- Build and maintain positive, respectful relationships with your teachers and school staff.
- Observe and follow the routines and expectations taught by your teachers.
- Accept redirection from all adults in your school.
- Show respect to other students, their families, and all staff.
- Be responsible and accountable for your academic success and all school materials.

#### **Parents/Guardians**

- Establish a positive relationship with someone at the school – this may be a principal, teacher, social worker, counselor or advisor.
- Respect and support school and district rules and policies.
- Show respect for each student and their family and teach your child to respect the rights of others.
- Work with staff in a mutually respectful manner focusing on the success of your child.
- Emphasize the importance of being prepared for school and following the routines and expectations taught at school to foster your child's academic success.

**“Every human being, of whatever origin, of whatever station, deserves respect. We must each respect others even as we respect ourselves.”**

*~U. Thant*

#### **Teachers**

- Develop a classroom community and learning environment that provides for academic success.
- Build and maintain positive, respectful relationships with your students and their families.
- Have consistently high academic and behavioral expectations for all students.
- Teach, model, practice, and positively reinforce routines and expectations.
- Treat all students fairly and consistently when addressing behavioral infractions, and model professional behavior in handling and de-escalating difficult situations.
- Communicate regularly with families regarding both positive and negative behavior choices via phone calls, emails, etc.

#### **Non-teaching Staff**

- Support teachers by modeling and positively reinforcing routines and expectations.
- Show respect for each student and their family.
- Maintain a positive attitude and a professional learning environment.
- Make positive comments to all students on a consistent basis.
- Treat all students fairly and consistently when addressing behavioral infractions, and model professional behavior in handling and de-escalating difficult situations.

#### **Administrators**

- Create a warm, welcoming, and positive learning environment.
- Have high expectations of students and staff.
- Model and reinforce routines and positive behavior expectations.
- Lead/support building-level development that improves classroom management skills of teachers, and monitor and evaluate quality of staff performance.
- Treat all students fairly and consistently when addressing behavioral infractions, and model professional behavior in handling and de-escalating difficult situations.
- Communicate regularly with families regarding both positive and negative behavior choices via phone calls, emails, etc.

**“Accountability applies to all stakeholders: students, board members, parents, policy makers, teachers, administrators.”**

*~Douglas Reeves, Accountability in Action (2005)*

## STUDENT RIGHTS AND RESPONSIBILITIES

Students who attend Robbinsdale Area Schools have various rights and opportunities. Students also have responsibilities to teachers, other staff and fellow students. The following describes student rights and opportunities as well as student responsibilities.

<b><i>Access to Records</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
<p>Students' parents and eligible students under federal law generally have the right to view their school records according to state and federal laws.</p> <p>Students have the right to privacy regarding any school records. Any disclosure of information from student records will be consistent with legal requirements and the discipline policy established by the school district.</p>	<p>Students are responsible for following established building and district procedures regarding access to their school records.</p>

<b><i>Dress and Grooming</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
<p>Students have the opportunity to wear clothing of their choosing and to engage in personal grooming which is not potentially disruptive to the education process, which does not pose a threat to the health or safety of other students and which is not lewd, vulgar, obscene, sexually explicit or discriminatory.</p>	<p>Students are responsible for dressing in such a manner that is not disruptive or likely to disrupt the learning environment, is not a health and safety hazard, is not obscene, and is not sexually explicit, discriminatory or associated with threat/hate groups, including gangs. Clothing which displays references to alcohol, chemicals, tobacco or other products which are illegal for use by minors is not permitted.</p>

<b><i>Equal Opportunity</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
<p>Students have the right of equal opportunity to participate in all school activities and school education programs for which they are eligible, within limits.</p>	<p>Students are responsible for following the rules and regulations of the school-sponsored activity in which they participate or others participate. Students may not discourage the participation of other students.</p>

<b><i>Learning</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
<p>Students have the opportunity to receive a comprehensive appropriate education.</p>	<p>Students are responsible for daily attendance, for completing class assignments on time and for bringing appropriate materials required for class use.</p>
<p>Students have the opportunity to attend school in a safe environment that is free from disruptive behavior by others.</p>	<p>Students are responsible for behaving in such a manner that does not pose a potential or actual danger to themselves or others and that is not disruptive to the learning process for others.</p>
<p>Students have the opportunity to make up school work missed during an excused absence.</p>	<p>Students are responsible for obtaining and completing make-up work assigned for periods of absence.</p>
<p>Students have the right to necessary home/hospital instruction as regulated by state guidelines when absent for an extended period.</p>	<p>Students are responsible for completing work assigned as part of the home/hospital instructional process.</p>

<b><i>Fair Treatment</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
Students have the right to due process as defined in the Pupil Fair Dismissal Act when involved in a violation of district rules. Included is the opportunity to hear the nature of the violation and to give their account of the situation.	Students are responsible for treating all persons respectfully, responding to all directive or inquiries from staff, and for following rules and regulations that apply to them.
Students have the right to be informed of all current school policies, rules and regulations that apply to them	Students are responsible for being knowledgeable about and following all school policies, rules and regulations that apply to them.
Students have the right to be informed of all classroom expectations.	Students are responsible for being knowledgeable about and meeting all classroom expectations and evaluation procedures that apply to them.
Students have the right to be treated respectfully by district employees and other students.	Students are responsible for treating other students and district employees in a respectful manner. Students are also expected to treat the property of others and the district responsibly.
Students have the right to be free from corporal punishment by school personnel.	Students are responsible for refraining from using force or physical contact for the purposes of inflicting physical and emotional harm on another.
Students have the right to be free from unreasonable physical contact from teachers and other district personnel. Reasonable force to restrain or correct a student from injuring self or other persons, however, is allowable.	Students are responsible for respecting the space and freedom of those around them. Students are also responsible for not engaging in conduct that threatens to injure themselves, other persons and property.

<b><i>Free Speech and Expression</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
Students have the right to free speech so long as such speech does not violate the rights of others.	Students are responsible for expressing opinions, publishing written materials and distributing literature in such a manner that is not libelous, obscene, discriminatory, sexually explicit, associated with threat/hate groups, including gangs, or contains references to alcohol, chemicals, tobacco, or other products which are illegal for use by minors, that does not interfere with the rights of others or disrupt the atmosphere of learning in the school and follows school regulations regarding time, place and manner.
Students have the right of assembly within the reasonable time, place and manner restrictions of the school district. Those restrictions will be made available to all students before they are enforced.	When assembling, students are responsible for exhibiting appropriate behavior and following the restrictions of the school district.

<b><i>Nondiscrimination</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
Students have the right to be free from discrimination based upon race, color, creed, sex, religion, national origin, marital status, sexual orientation, status with regard to public assistance or disability.	Students are responsible for treating other students and district employees in a manner that does not discriminate.

<b><i>Harassment</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
Students have the right to be free from sexual harassment and violence, racial harassment and violence, and religious harassment and violence and other offensive behavior arising out of the physical or verbal conduct of other students, school personnel and others.	Students are responsible for being aware of school district policies regarding harassment and for maintaining an environment free from harassment, intimidation and abuse. Students are also responsible for reporting to a teacher or administrator incidents of physical, sexual and verbal harassment, intimidation and/or abuse and other offensive behavior that they have experienced or of which they are aware.

<b><i>Privacy</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
Students generally have the right to privacy of their persons and personal property when engaging, participating or pursuing curricular activities on a school location. In such instances, a student's person or personal property may only be searched by school officials if there is reasonable suspicion that the search will uncover evidence of a violation of a school rule or of the law.	Students are responsible for refraining from bringing onto a school location or to school-sponsored events any item or material that is in violation of school district policy, school rules, or state and federal laws if the item(s) would cause, or tend to cause, a disruptive activity or endanger the health and safety of students or other people.
Students have the opportunity to utilize school lockers, desks and other designated areas for storing appropriate items of personal property subject to the understanding that such areas are within the exclusive control of the school district and that such areas may be searched for any reason, at any time without permission, consent or requirement for a search warrant in accordance with the school district's student search policy (page 38).	Students are responsible for keeping their lockers/desks free of any items that are illegal or that are prohibited under school rules and district policies.
Students have the right to privacy regarding information which is collected or maintained about them because they are a student. Such information will be released in accordance with state and federal law. Matters of child neglect, physical or sexual abuse must be reported to the proper authorities according to state law. Matters involving criminal behavior may also be reported to the proper authorities.	Matters of abuse or illegal activity should be reported to school personnel.

<b><i>Student Government</i></b>	
<b>Rights/Opportunities</b>	<b>Responsibilities</b>
Students have the opportunity to form and participate in student government which is open to all members of the student body being represented. The purpose of the existence of student government is to represent and to be responsive to the needs of all students.	Students are responsible, when forming a student government, for establishing purposeful bylaws. The student government is responsible for communicating with the student body, faculty and administration and being aware of and complying with any policies of the school district that may affect the formation of procedural aspects of the student government.

# CREATING POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS FOR STUDENTS

Robbinsdale Area Schools uses a framework referred to as Positive Behavior Interventions and Supports (PBIS) to improve social behavior that emphasizes proactive, positive and preventative strategies. The framework is based on research showing that students learn better ways of behaving by being taught social skills directly and receiving positive feedback about what they are doing correctly. The framework includes core elements that are implemented in every student environment including:

- Identifying 3 to 5 positively stated expectations
- Teaching, modeling, and reinforcing the stated expectations (see page 28)
- Reinforcing and rewarding positive student behavior
- Identifying a multi-level system for students who need increased support

Within the core elements, all schools develop the capacity of all adults to:

- Build and maintain positive and trusting relationships with students
- Provide engaging and academically appropriate instruction
- Plan, teach and model age appropriate routines
- Treat students of all groups fairly and equitably when enforcing rules
- Show respect for the cultural heritage and cultural expectations of each student
- Develop classroom community
- Hold high behavioral expectations for students of all groups
- Recognize and celebrate the accomplishments of all students
- Teach social skills or anti-bullying
- Employ reminders, redirection techniques, and appropriate wait time
- Be reflective about classroom management practices
- Actively supervise students at all times
- Refrain from arguments and power struggles

Students demonstrating additional needs are supported by the core elements as well as one or more small group interventions such as:

- Conferences with teacher, administrator, counselor, social worker and/or family
- Small group support, either academic or behavioral
- Restitution, mediation or other similar interventions
- Mentoring

For students whose needs are not met by the combination of the core elements and the small group interventions, schools will develop individualized interventions that may include:

- A plan with the parent or family
- Individual behavior contracts
- Student self-monitoring with reporting to designated staff member
- Lessons that teach refocusing and self-control skills
- Increased supervision and monitoring
- Analysis and observation of past intervention strategies and behavioral and academic performance

Students with disabilities who receive special education can be assisted by any level within the multi-level framework and may be assisted further through an Individualized Educational Program (IEP) or a 504 Plan, as appropriate.



## QUESTION AND ANSWER GUIDE ABOUT THE POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORT (PBIS) FRAMEWORK

### **Q. Is PBIS a new district initiative?**

A. All schools began implementing the core components of PBIS a few years ago. PBIS is simply a way of organizing what schools already do well. The PBIS framework provides a common language for every staff member and allows schools to be very intentional about helping students learn positive behaviors.

### **Q. Why is the district emphasizing positive behaviors and supports at this time? Is something wrong?**

A. The vast majority of students in Robbinsdale Area Schools behave very well at school. Research shows, however, that when all students are directly taught about expectations and receive positive feedback for meeting these expectations, student engagement at school increases, which typically leads to improved academic achievement for all.

### **Q. Will every school be required to implement PBIS?**

A. All schools began implementing the core components of PBIS a few years ago and will continue to strengthen their practices. All schools are expected to move toward full implementation of all components of PBIS.

### **Q. What are the core components of PBIS?**

A. PBIS includes four basic components that are to be employed by every school:

- A positive behavior team that reviews and analyzes behavior data, writes action plans and trains other members of the staff and school community.
- Three to five positively stated expectations including a system of teaching, practicing and positively reinforcing the expectations throughout the school year.
- An educational approach to teaching expectations including direct teaching of routines, transitions from one activity to another and social skills. Emphasis is placed on prevention.
- Frequent analysis of school-wide behavior reports that inform the committee about which strategies are working and which need more attention.

### **Q. How does PBIS address disciplinary responses to student violations of expectations?**

A. A distinction is made between behaviors that are managed in the classroom and those that are managed by school administration and other professionals (see pages 12-14). A school-wide, systematic approach, understood by all stakeholders, is used for more serious behavior violations and for crisis management. Many of these approaches are contained in this district-wide Student Behavior Handbook that is published each year and sent to families of enrolled students.

### **Q. Are families involved?**

A. Consequences and support for poor behavior choices are communicated to families and all stakeholders.

Portions of this section were adapted from OSEP Center on Positive Behavioral Interventions and Supports and the Saint Paul Public Schools discipline policy.



## SAMPLE - Elementary Behavior Expectation Matrix

	<b>Belong</b>	<b>Empathize</b>	<b>Achieve</b>	<b>Respect</b>
<b>Classroom (All settings)</b>	Participate Work together/Teamwork Accept differences in others	Help each other make good choices Treat others kindly/Follow the Golden Rule	Come prepared Do your best Have a positive attitude Give your best effort	Use self-control: verbal and physical Be polite Follow directions
<b>Hallways</b>	Help keep clean Walk at all times	Respect wall art Be polite	Walk safely Be on time	Quiet voices Listen to ALL adults Use self-control: verbal & physical
<b>Restrooms</b>	Keep both areas clean	Use quiet voices	Use facilities appropriately Flush toilet Wash hands	Respect others' privacy Use self-control Use polite words only
<b>Playground</b>	Share Include others in your play	Be a good sport Help others	Follow rules and procedures	Use self-control: verbal and physical Take care of equipment Use equipment appropriately
<b>Media Center</b>	Put books away where they belong Push chairs in	Use quiet voices	Read quietly Use time appropriately	Treat all materials respectfully Respect everyone else using the space
<b>Computer Lab</b>	Push chairs in Keep lab clean	Use quiet voices	Use appropriate sites only	Use materials & equipment appropriately
<b>Cafeteria</b>	Clean up eating area Stay at your assigned table Be friendly to others	Use polite manners Be patient while in line	Eat slowly Eat nutritiously	Listen to ALL adults Use good table manners
<b>Music/Gym</b>	Remain in your assigned spot Cooperate	Encourage others Accept others abilities/talents	Participate Have a positive attitude Give your best effort	Use materials & equipment appropriately Listen and follow directions
<b>Bus</b>	Share seats Help others	Use quiet voices Share seats	Stay seated Be on correct bus Be at correct bus stop	Be polite to peers & driver Use self-control: verbal & physical

# SAMPLE - Secondary Behavior Expectation Matrix

	Classroom	Hallway	Cafeteria	Extracurricular Activities & In the Community	Bus, Parking Lot & School Grounds	Restrooms	Media Center/ Computer Lab	Assemblies/ Emergency Procedures
<b>BE RESPECTFUL</b>	<ul style="list-style-type: none"> <li>◆ Use classroom appropriate language and volume in a positive manner</li> <li>◆ Cooperate with your teacher and classmates</li> <li>◆ Take turns speaking</li> <li>◆ Maintain dress code and personal space</li> </ul>	<ul style="list-style-type: none"> <li>◆ Follow directives from staff</li> <li>◆ Use appropriate language</li> <li>◆ Maintain dress code and personal space</li> </ul>	<ul style="list-style-type: none"> <li>◆ Wait your turn in line</li> <li>◆ Speak kindly to staff and students using your inside voice</li> <li>◆ Maintain dress code and personal space</li> </ul>	<ul style="list-style-type: none"> <li>◆ Demonstrate good sportsmanship</li> <li>◆ Be considerate of other people's property</li> <li>◆ Use appropriate language</li> </ul>	<ul style="list-style-type: none"> <li>◆ Be considerate of other people and their property or vehicles</li> <li>◆ Follow directives from staff</li> </ul>	<ul style="list-style-type: none"> <li>◆ Respect people's privacy</li> <li>◆ Use appropriate language</li> <li>◆ Model positive behavior</li> <li>◆ Leave the area clean and orderly</li> </ul>	<ul style="list-style-type: none"> <li>◆ Speak quietly</li> <li>◆ Use appropriate language</li> <li>◆ Follow directives from staff</li> </ul>	<ul style="list-style-type: none"> <li>◆ Pay attention and show appropriate enthusiasm for performances</li> <li>◆ Wait to leave until program is finished</li> <li>◆ Follow directives from staff</li> </ul>
<b>ENGAGE IN LEARNING</b>	<ul style="list-style-type: none"> <li>◆ Take pride in your work</li> <li>◆ Challenge yourself</li> <li>◆ Do your best</li> <li>◆ Listen to/consider others' ideas</li> </ul>	<ul style="list-style-type: none"> <li>◆ Get to class on time</li> <li>◆ Take pride in your halls (posters, etc.)</li> <li>◆ Demonstrate positive behavior</li> </ul>	<ul style="list-style-type: none"> <li>◆ Use extra time to study or finish homework</li> <li>◆ Have intellectual conversations with peers</li> <li>◆ Demonstrate good manners</li> </ul>	<ul style="list-style-type: none"> <li>◆ Challenge yourself to learn new things in the community</li> <li>◆ Demonstrate positive leadership</li> <li>◆ Engage in conversations</li> <li>◆ Volunteer</li> </ul>	<ul style="list-style-type: none"> <li>◆ Follow the bus driver's directives</li> <li>◆ Engage in positive conversation</li> <li>◆ Learn and enforce safety rules</li> <li>◆ Demonstrate positive behavior</li> </ul>	<ul style="list-style-type: none"> <li>◆ Return back to class in a prompt fashion</li> <li>◆ Use the bathroom during passing time</li> <li>◆ Demonstrate positive behavior</li> </ul>	<ul style="list-style-type: none"> <li>◆ Practice academic honesty</li> <li>◆ Check-out materials</li> </ul>	<ul style="list-style-type: none"> <li>◆ Learn how to make use of resources, references and librarians</li> </ul>
<b>BE RESPONSIBLE</b>	<ul style="list-style-type: none"> <li>◆ Complete all assignments with honesty &amp; integrity</li> <li>◆ Arrive before the second bell</li> <li>◆ Be ready and have materials available</li> <li>◆ Pick up after yourself</li> <li>◆ Use your organizer</li> <li>◆ Turn off electronic devices</li> </ul>	<ul style="list-style-type: none"> <li>◆ During passing time: Avoid loitering</li> <li>◆ Always have a pass in hand if class is in session</li> <li>◆ Walk quietly</li> </ul>	<ul style="list-style-type: none"> <li>◆ Clean your area when you are finished</li> <li>◆ Stay seated in available seats</li> <li>◆ Stay current on account charges</li> <li>◆ Eat all food/beverages and remain in designated areas during lunch period</li> </ul>	<ul style="list-style-type: none"> <li>◆ Use appropriate language</li> <li>◆ Follow the directions of the coach or adult in charge</li> </ul>	<ul style="list-style-type: none"> <li>◆ Stay seated when the bus is in motion</li> <li>◆ Pick up after yourself and other litter you may find</li> <li>◆ Be on time to your bus</li> <li>◆ Have/use parking permit</li> <li>◆ Follow safety rules</li> </ul>	<ul style="list-style-type: none"> <li>◆ Keep the restroom clean</li> <li>◆ Use the restroom during passing time or at lunch</li> <li>◆ Report any inappropriate activity to staff</li> </ul>	<ul style="list-style-type: none"> <li>◆ Be gentle with equipment</li> <li>◆ Return materials on time</li> <li>◆ Use school appropriate websites</li> </ul>	<ul style="list-style-type: none"> <li>◆ Stay in your seat until you have been dismissed</li> <li>◆ Turn off electronic devices</li> </ul>
<b>ALWAYS APPLY EMPATHY</b>	<ul style="list-style-type: none"> <li>◆ Lend extra materials to those without</li> <li>◆ Respect others' opinions</li> <li>◆ Allow for yourself and others to make mistakes</li> </ul>	<ul style="list-style-type: none"> <li>◆ Look for ways to help others</li> <li>◆ Follow directives from staff</li> </ul>	<ul style="list-style-type: none"> <li>◆ When finished eating, offer whole foods you left to others</li> <li>◆ Let someone sit down to eat when you are finished</li> </ul>	<ul style="list-style-type: none"> <li>◆ Encourage others to do their best</li> <li>◆ Help others who need assistance</li> </ul>	<ul style="list-style-type: none"> <li>◆ Help others with their materials</li> <li>◆ Offer to share a seat on the bus</li> <li>◆ Drive slowly through the parking lot</li> <li>◆ Be cautious of vehicles and others</li> </ul>	<ul style="list-style-type: none"> <li>◆ Maintain and respect personal space and boundaries</li> </ul>	<ul style="list-style-type: none"> <li>◆ Be a positive influence</li> <li>◆ Help others find information or use resources</li> </ul>	<ul style="list-style-type: none"> <li>◆ Assure others of safety when they seem afraid</li> <li>◆ Show support for others</li> <li>◆ Use good judgment</li> <li>◆ Help others who need assistance</li> </ul>

## DISCIPLINE POLICY

Every student and employee of Robbinsdale Area Schools is entitled to learn and work in a safe school environment. To ensure this, the district and each school have established clear student discipline policies, consequences appropriate for the behavior and practices to consistently apply the policies.

Students are expected to behave in accordance with federal, state and local laws and rules, district and school policies and regulations, and in a way that respects the rights and safety of others. Corrective action to discipline a student and/or to modify a student's behavior will be taken by staff when a student's behavior violates the discipline policy.



The following are district-wide discipline policies. These discipline policies and the potential consequences apply at any time a district student is present at a school location or at a school-sponsored event, including the work experience location. These discipline policies and potential consequences also apply when a district student engages in conduct outside of a school location or school-sponsored event when the misconduct is a continuation of or is connected with misconduct that occurred on school grounds, or when the student's actions have a direct and immediate effect on school discipline or the general safety and welfare of students and staff. Students participating in extra-curricular activities will also be held to the Minnesota State High School League rules and policies. Listed are the infractions and the recommended consequences for first, second and third offenses. The school district in its sole discretion may impose more severe consequences (i.e. expulsion) beyond those set forth in this policy based on the particular misconduct. In addition, the consequences imposed may be more severe if an adult or bystander is harmed during the course of the misconduct.

Building administrators may consult with appropriate community agencies to assist in a disciplinary situation which involves health and safety.



## STANDARDS OF STUDENT BEHAVIOR

When students are disruptive or act inappropriately, school staff and administrators are expected to respond to this behavior logically, appropriately and consistently. Infractions are assigned to one or more levels of interventions or disciplinary responses. This handbook divides inappropriate and disruptive behaviors into four levels of infractions.

Disciplinary policies shall be enforced within the general guidelines as set forth in the Infractions-Levels 1-4 and the Infractions and Potential Interventions Matrix (pages ). These guidelines describe the various administrative actions that may be taken for infractions of the law and the school district’s standards of behavior.

The format of this section begins with the MINIMUM disciplinary responses and potential interventions for each infraction. The MAXIMUM administrative actions are expulsion and exclusion.

The presence of an asterisk (\*) in a given cell in the matrix does not imply or require that an administrator will use a “step-by-step” progression of increasing severity in dealing with an infraction. However, there shall be a logical relationship between the severity and frequency of the offense and the age of the offender and the administrative action.

Unless otherwise noted, these policies apply to student behavior occurring on any property owned or controlled by the Robbinsdale Area Schools or occurring in connection with any activity sponsored by or associated with the Robbinsdale Area Schools. The following represents the majority of infractions that occur.



Portions of the following sections were adapted from the Saint Paul Public Schools student handbook.

## INFRACTIONS – LEVELS 1-4

Behavior infractions are classified in four levels. A Level 1 infraction is the least severe with intervention by the teacher in the classroom. A Level 4 infraction is the most severe and requires a principal to make a recommendation for expulsion. Each level provides recommendations for possible interventions based on the infraction and who is responsible for intervention.

In addition schools have a Student Assistant Team (SAT) to examine and determine appropriate interventions and responses. Interventions may involve support staff, both school-based and within the broader community. SAT aims to engage the student's support system to ensure successful learning and consistency of interventions and change the conditions to the student's inappropriate or disruptive behavior.

### LEVEL 1

Level 1 infractions will generally be addressed by the classroom teacher using interventions or disciplinary responses that teach correct, alternative behavior so students can learn and demonstrate safe and respectful behaviors. Teachers are expected to use a variety of teaching and classroom management strategies.

#### Infractions

- Defiance
- Disruption
- Inappropriate Language
- Physical Contact
- Property Misuse
- Student Attire
- Tardiness
- Teasing/Name Calling
- Technology Misuse
- Truancy, Un-excused Absence (Reporting it)
- Other (Minor)

*Note: A severe occurrence or repeated instances of any violation appearing in the box may be treated as a violation at a higher level. If a student is being referred to the office at a higher level, interventions should be documented.*

### Level 1 – Examples of Support Interventions and Responses

Support interventions aim to correct and teach alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are expected to use a variety of methods and classroom management strategies, which may include:

- Reminders and redirection
- Review classroom/school-wide expectations
- Verbal correction
- Written reflection/apology
- Check and connect
- Seat change
- Teacher/student conference
- Daily progress sheet on behavior
- In class time-out
- Restitution
- Removal from class to another supervised classroom (less than one hour)
- Change in schedule
- Loss of privileges
- Contract between teacher, student and parents
- Other as approved by administration

Appropriate school interventions also often involve the parent/guardian and other members of the school community. They aim to identify extenuating factors contributing to inappropriate or disruptive behavior and to assist the student in working with these factors. School interventions may include other students and focus on the student's relationship with the overall school community and may include:

- Parent/guardian notification
- Parent/guardian conference
- Parent/guardian accompanying student to school or class
- Detention
- In-school community service
- Conflict resolution
- Mentoring program participation
- Contract between teacher, student and parents
- Peer mediation
- Reprimand by appropriate administrator

## LEVEL 2

Level 2 infractions will generally result in interventions or disciplinary responses that involve the school administration. These actions aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school.

### Infractions

- Abusive Language
- Cheating or Plagiarizing
- Disruptive Behavior to and from School
- Disruptive Physical Contact/Aggression
- Fighting – Elementary
- Forgery/Failure to Identify
- Gambling
- Gang Display/Activity
- Harassment Based on Protected Status (i.e. race, creed, sex, marital status, national origin, age, religion, sexual orientation, familial status or disability)
- Harassment/Bullying/Cyber Bullying
- Interference/Obstruction
- Property Damage/Vandalism
- Skipping Class/Unauthorized Area
- Substantial Disruption - Elementary
- Technology Violation
- Theft-Minor
- Threats to Another Person
- Truancy
- Use/Possession of Combustibles - Elementary
- Use/Possession of Tobacco
- Other - Major

*Note: A severe occurrence or repeated instances of any violation appearing in the box may be treated as a violation at a higher level.*

### Level 2 – Examples of Intensive Support Staff and Appropriate Administration Interventions and Responses

These interventions may involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school:

- Parent/guardian notification
- Parent/guardian conference
- School community service
- Referral to student assistance team
- Monetary restitution
- Consecutive day removal (up to five) to another supervised classroom during a designated subject
- In-school suspension
- Mediation
- Check and connect
- Detention
- Saturday school
- Possible police notification
- Other as approved by administrator



### LEVEL 3

Level 3 infractions may result in the suspension of a student and notification of the police. A suspension is a removal from school for more than one school day.

#### Infractions

- Abusive Language with Staff
- Fighting - Secondary
- Fires/False Alarms & 911 Calls
- Harmful Physical Contact
- Possession of Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, *with no intent*
- Sexually Inappropriate behavior
- Substantial Disruption - Secondary
- Theft - Major
- Threats to Staff
- Trespassing, including during periods of dismissal or suspension
- Use/Possession of Combustibles - Secondary
- Use/Possession of drugs, alcohol, or other controlled substances
- Use/Possession of Tobacco - Secondary

*Note: A severe occurrence or repeated instances of any violation appearing in the box may be treated as a violation at a higher level.*

#### Level 3 – Examples of Dismissal, Suspension, and Referral Responses

These interventions may involve the temporary, short-term removal of a student from the school environment because of the severity of the behavior. The duration of the dismissal or suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior:

- Parent/guardian notification
- Parent/guardian conference
- Dismissal (up to one complete school day)
- Out of school suspension (up to ten days)
- Possible police notification
- Other as approved by administration

### LEVEL 4

Level 4 violations require police notification and a mandatory referral for expulsion for secondary students. Consequences for elementary students may include administrative transfer to another school, out of school suspension, and/or possible expulsion. See the glossary for definitions of expulsion and Minnesota Statutes that apply to the violations.

#### Infractions

- Arson
- Assault
- Criminal Act Against a Staff Member
- Multiple/Chronic
- Multiple/Chronic - Repeat
- Possession/Use of a Dangerous Weapon Other than a Firearm
- Possession/Use of a Firearm
- Possession/Use of Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, *with use or intent to use*
- Robbery/Extortion
- Selling Drugs or Controlled Substances
- Sexual Misconduct, Non-Consensual
- Terroristic Threats

#### Level 4 – Examples of Suspension and Referral Responses

These interventions involve the removal of the student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on maintaining the safety of the school community and ending self-destructive and/or dangerous behavior:

- Parent/guardian notification
- Out of school suspension
- Interim alternative educational placement
- Expulsion Referral
- Police Referral



## INFRACTIONS AND POTENTIAL INTERVENTIONS/RESPONSES MATRIX

### LEVEL 1

Classroom interventions may be appropriate when a student has had minimal or no prior violations and interventions have not been put in place.

### LEVEL 2

School and administrative interventions may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to have a negative impact on the learning of the student and others.

### LEVEL 3

Possible dismissal from school for up to and including one full school day; or possible suspension from 1-10 days may be appropriate including when interventions and supports have been put in place but the behavior is escalating.

### LEVEL 4

Expulsion and referral may be appropriate when student's behavior has a serious impact on the safety of others in the school or disrupts the rights of others to an education or the ability of school staff to perform their duties.

- Please refer to the Glossary for additional terms, definitions, related Minnesota statutory references and other information.

*For each violation on the chart below, the first \* is the minimum disciplinary action.*

INFRACTIONS	LEVELS				POLICE NOTIFICATION	
	1	2	3	4	Required	Possible
<b>Abusive Language</b> Student delivers verbal messages that include disrespectful or threatening language.		*	*			
<b>Arson</b> Student plans and/or participates in malicious burning of property.				*	*	
<b>Assault</b> Intentional infliction of bodily harm upon another or committing an act with the intent to cause fear in another of immediate bodily harm or death are prohibited.				*	*	
<b>Bus Violations</b> See Page 20.						
<b>Cheating or Plagiarizing</b> Scholastic dishonesty that includes, but is not limited to, cheating on school assignments/tests, plagiarism or collusion is prohibited. Academic consequences may also be assigned.		*				
<b>Criminal Act Against a Staff Member</b> Committing an act against a staff member that would be a crime if committed by an adult.				*	*	

INFRACTIONS	LEVELS				POLICE NOTIFICATION	
	1	2	3	4	Required	Possible
<b>Defiance</b> Student engages in refusal to follow directions, talks back and/or delivers socially rude interactions.	*					
<b>Disruption</b> Student engages in behavior causing an interruption in class or activity including loud talk, yelling/screaming; noise with materials; horseplay; and/or sustained out-of-seat behavior.	*					
<b>Disruptive Behavior to and from School</b> Behavior which endangers or harasses students on their way to and from school, walking, at the bus stop, or on the bus.		*				
<b>Disruptive Physical Contact/Aggression</b> Student engages in actions involving serious physical contact where injury may occur.		*				*
<b>Fighting</b> Student participates in an incident involving physical violence.		*	*			*
<b>Fires/False Alarms</b> Tampering or interfering with fire alarm system, false 911 calling/reporting or failure to exercise caution, resulting in fire.			*			*
<b>Forgery/Failure to Identify</b> Signing a person's name without their permission, or refusing to identify oneself to a staff member.		*				
<b>Gambling</b> Playing a game of chance for stakes.		*				*
<b>Gang Display/Activity</b> Student displays signs or is involved in behavior that is gang related as described by the State of Minnesota's gang criteria (See Glossary).		*				*
<b>Harassment, Based on Protected Status</b> Harassment includes physical or verbal conduct that is based on protected status (See Glossary).		*				*
<b>Harassment/Bullying/Cyber Bullying</b> Harassment, bullying, cyber bullying, and other offensive behavior with intent to injure, degrade or intimidate others. (See Glossary)		*				*
<b>Harmful Physical Contact</b> Student engages in actions involving serious physical contact where injury did occur.			*			*

INFRACTIONS	LEVELS				POLICE NOTIFICATION	
	1	2	3	4	Required	Possible
<b>Hazing</b> Committing an act or coercing a student into committing an act that creates a substantial risk of harm to one in order for the student to be initiated into or affiliated with a school or school group.			*			*
<b>Inappropriate Language</b> Swearing or using words in an inappropriate way.	*					
<b>Interference/Obstruction</b> Any action taken to prevent a staff member from performing their assigned duties, including an investigation.		*				*
<b>Multiple/Chronic</b> Student has reached 20 major behavior referrals or 6 events of suspension.				*		*
<b>Multiple/Chronic - Repeat</b> Following discipline for multiple chronic, student has reached 10 major behavior referrals or three events of suspension.				*		*
<b>Other (Major)</b> Student engages in major problem behavior not listed.		*				*
<b>Other (Minor)</b> Student engages in minor problem behavior not listed.	*					
<b>Physical Contact</b> Students engage in non-serious, but inappropriate physical contact.	*					
<b>Possession/Use of a Dangerous Weapon other than a Firearm</b> Possession/use of any device designed or modified as a weapon, combustible used or intended to use, or fire, capable of producing death or great bodily harm; or knife with a blade equal or greater than 2.5 inches in length; or any replica firearm, BB or pellet gun (See Glossary).				*	*	
<b>Possession/Use of a Firearm</b> Possession/use of any firearm defined as a device designed to be used as a weapon, from which is expelled a projectile by the force of explosion or force of explosion (See Glossary).				*	*	
<b>Possession/Use of Other Weapon/Object, not a firearm &amp; not meeting dangerous weapon definition:</b> (See Glossary) <ul style="list-style-type: none"> <li>• With Intent</li> <li>• With No Intent</li> </ul>				*	*	*
<b>Property Damage/Vandalism</b> Student participates in an activity that results in destruction or disfigurement of property.		*				*

INFRACTIONS	LEVELS				POLICE NOTIFICATION	
	1	2	3	4	Required	Possible
<b>Property Misuse</b> Student engages in minor/low-intensity misuse of property.	*					
<b>Reckless or Careless Driving</b> Driving on school property in such a manner as to endanger persons or property.			*			*
<b>Robbery/Extortion</b> The obtaining of property from another by force or threat of force.				*	*	
<b>Selling Drugs or Controlled Substances</b> Student is selling or distributing legal or illegal drugs, synthetic drugs/imitations, alcohol, or other controlled substances.				*	*	
<b>Sexual Misconduct, Non-Consensual</b> Engaging in non-consensual sexual intercourse or sexual contact or indecent exposure with another person.				*	*	
<b>Sexual, Inappropriate Behavior</b> Engaging in sexual behavior, including but not limited to, sexual intercourse, displaying or distributing sexually explicit materials, indecent exposure, and other sexual contact.			*			*
<b>Skippping Class/Unauthorized Area</b> Student leaves or misses class without permission.		*				
<b>Student Attire</b> Student wears clothing that does not fit within the dress code guidelines practiced by the school/district.	*					
<b>Substantial Disruption</b> Student engages in action which causes a substantial disruption in class or school		*	*			*
<b>Tardiness</b> Student arrives at class after the bell or signal that class has started.	*					
<b>Teasing/Name Calling</b> Student engages in teasing, calling another student a name, or using hurtful language toward another student.	*					
<b>Technology Misuse</b> Student engages in non-serious but inappropriate use of cell phone, pager, music/video player, camera, and/or computer.	*					
<b>Technology Violation</b> Student engages in inappropriate use of cell phone, pager, music/video player, camera, and/or computer.		*				
<b>Terroristic Threats</b> Threatening to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly, or vehicle (See Glossary).				*	*	
<b>Theft - Major</b> Unauthorized taking/possession of the property of another including, but not limited to jackets, expensive electronics, etc.			*		*	



INFRACTIONS	LEVELS				POLICE NOTIFICATION	
	1	2	3	4	Required	Possible
<b>Threats to Another Person</b> Any oral, written, or physical threat, sign, or act which conveys intent to cause harm or violence, even made in jest.		*	*			*
<b>Trespassing, including Periods of Dismissal or Suspension</b> Being physically present on school property or at a school event after being directed not to (See glossary).			*			*
<b>Truancy</b> Student receives an “unexcused absence” for partial day or more.	*					
<b>Use/Possession of Combustibles</b> Student is in possession of substances/objects capable of causing bodily harm and/or property damage (See Glossary).		*	*			*
<b>Use/Possession of Drugs, Alcohol, or Other Controlled Substances</b> Student is in possession of or is using illegal drugs/ substances or imitations (See Glossary)			*		*	
<b>Use/Possession of Tobacco</b> Student is in possession of or is using tobacco.		*	*			*

#### LEVEL 4 GUIDELINES

TYPE OF INFRACTION	MANDATORY POLICE NOTIFICATION	MANDATORY EXPULSION REFERRAL
Assault	Yes	Yes
Arson – if a combustible or flammable liquid is used	Yes	Yes
Criminal Act Against Staff Member	Yes	Yes
Gang Activity, repeated offenses	Yes	Yes
Multiple/Chronic	No	Yes
Multiple/Chronic - Repeat	No	Yes
Possession/Use of a Dangerous Weapon other than a Firearm	Yes	Yes
Possession/Use of a Firearm	Yes	Yes
Selling/Distributing Drugs/Controlled Substances	Yes	Yes
Possession/Use of Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, <b>with use or intent to use</b>	Yes	Yes
Robbery/Extortion	Yes	Yes
Sexual Misconduct, non-consensual	Yes	Yes
Terroristic Threats	Yes	Yes

## TRANSPORTATION CONSEQUENCES MATRIX

While riding school buses, all rules that apply to building and/or classroom behavior shall apply on school buses. Transportation consequences are mandated by state statute.

Any disruptive behavior, as defined under school policy, while riding a school bus is prohibited. This includes not remaining seated, throwing objects, disruptive behavior at a bus stop or to and from the bus stop, tampering with emergency or safety equipment, and lighting flammable devices.

For the seventh offense, students in grades K-5 are individually considered for disciplinary action. Students may be suspended from riding the bus for longer periods of time, including the remainder of the school year. Students who commit repeated offenses, may be suspended from riding the bus for the remainder of the school year. In addition to the specific loss of bus privileges, a student may receive other consequences for violation of a school district policy noted in this handbook which has taken place on the bus (See Student Transportation Policy, p.61).

Grade Level	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense	Sixth Offense	Seventh Offense
Grades K-2	Warning	Warning or consequences appropriate to and within school	Consequences appropriate to and within school	Consequences appropriate to and within school or 1-3 days off bus	1-3 days off bus	4-5 days off bus	6-10 days off bus
Grades 3-8	Warning	Consequences appropriate to and within school	Consequences appropriate to and within school or 1-3 days off bus	Parent meeting and 1-3 days off bus	3 days off bus	4-5 days off bus	6-10 days off bus
Grades 9-12+	Warning	Consequences appropriate to and within school	1-3 days off bus	4-5 days off bus	6-10 days off bus	Loss of bus privileges	NA

*Note: A severe occurrence of any infraction may be treated as an infraction at a higher level and may lead to loss of privileges.*



## Alternative Educational Services Procedures

If a student is suspended for more than five school days, the student is entitled to alternative educational services that will allow the student to progress toward meeting graduation requirements and the suspending administrator must provide the superintendent with a reason for the longer suspension. Generally, the Robbinsdale Area Schools (RAS) provides alternative educational services according to the following schedule:

LENGTH OF SUSPENSION	SERVICES PROVIDED	SCHOOL ADMINISTRATOR OR DESIGNEE RESPONSIBILITY	PARENT/GUARDIAN RESPONSIBILITY OF PARENT/GUARDIAN
Up to five school days	Current classroom work and homework will be made available, as soon as possible.	Arrange for collection of classroom work and homework from teachers.	Pick up classroom work and homework from school administrator or arrange to have it delivered to home. Return completed work upon student's return to school.
Six to ten school days	Current classroom work and homework will be made available no later than the sixth school day of suspension.	Arrange for collection of classroom work and homework from teachers.	Pick up classroom work and homework from school administrator or arrange to have it delivered to home. Return completed work to school administrator.
Up to 15 school days (only pending expulsion, or when a student constitutes a substantial and immediate danger)		Arrange for home bound services as soon as a determination has been made to refer student for expulsion.	Assist school administrator in establishing a schedule for the delivery of home bound services.

This schedule does not preclude school administrators from providing different alternative educational services that allow the student to progress toward meeting graduation requirements. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension.

### **DISCIPLINE GUIDELINES FOR SPECIAL EDUCATION STUDENTS UNDER STATE LAW AND FEDERAL REGULATIONS**

The school principal is responsible for ensuring that the school attempts to provide required alternative educational services. Parents/guardians also have the responsibilities set forth above. Parents who have concerns about the school's compliance with these procedures should contact the school principal or the Executive Director of Educational Services.

Additional information related to special education students: RAS may have additional obligations to special education students that are not explained here. For more information about the rights of special education students, see the chart on the following page, the Procedural Safeguard Notice Parental Rights for Public School Special Education Students or contact the school principal, your student's case manager, or the special education director at 763-503-8600.

	<b>IEP TEAM MEETING REQUIRED</b>	<b>MANIFESTATION DETERMINATION REQUIRED(1)</b>	<b>FUNCTIONAL BEHAVIORAL ASSESSMENT PLAN REQUIRED(2)</b>	<b>ALTERNATIVE EDUCATION SERVICES REQUIRED</b>
Student removed for one school day or less	No*	No*	No*	No*
Student suspended for less than five consecutive days	No*	No*	No*	No*
Student suspended for five consecutive school days	No	No	No*	No*
Student suspended for six or more consecutive days	Yes	No*	No*	Yes
Student removed for 10 cumulative school days or less in one school year	No**	No**	No**	No**
Student removed for 11 cumulative days in a school year or more	Yes	Yes	Yes	Yes, access to FAPE required
Student placed on in-school suspension (ISS)	No***	No***	No***	No***
Student suspended from the bus	Depends****	Depends****	Depends****	Depends****
Parent requests a manifestation determination following any removal for disciplinary reasons	Yes	Yes	No**	No**

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

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

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

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

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



## MIDDLE SCHOOL AND HIGH SCHOOL CO-CURRICULAR ACTIVITY ELIGIBILITY

It is the policy of Independent School District 281, Robbinsdale Area Schools, to follow school board-approved student discipline policy and procedures regarding chemical and tobacco use; academic eligibility of middle school and high school students to participate in the following district co-curricular activities: all fine arts activities, athletics and school-sponsored clubs/activities. Furthermore, it is the policy of Robbinsdale Area Schools to hold captains and student leaders of school activities to a higher standard of conduct than other students.

The board-approved Students Rights, Opportunities and Responsibilities, and Discipline Policy will be the first measure of discipline when a violation occurs. The second measure of discipline will be this policy. In addition, student participants must abide by all relevant Minnesota State High School League rules.

Students participating in co-curricular activities will be held accountable to meet the district policy on Student Academic Eligibility. This policy is available at all school sites, the district Education Service Center and in the Robbinsdale Area Schools Policy and Procedures Manual.

<b>Alcohol/Chemical/Tobacco Offenses</b>			
<b>Grades 6-8</b>			
<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Loss of eligibility for two consecutive contests/events or two weeks (14 calendar days), whichever is greater. Two weeks loss of eligibility would normally result in ineligibility for four or more contests.	Loss of eligibility for 10 consecutive weeks. Eligibility may be regained after professional chemical evaluation (at student or family expense). MSHSL second violation rules also must be met (six contests/events or three weeks, [21 calendar days], whichever is greater).	No further participation in any activity for remainder of student's middle school years. Eligibility may be regained with a professional chemical evaluation and treatment plan (at student/family expense). Must also meet MSHSL eligibility rules for third violation (loss of eligibility for 12 contests or four weeks, [28 calendar days], whichever is greater). *	No further participation in any activity for remainder of student's middle school years.
<b>Grades 9-12</b>			
<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Loss of eligibility for two consecutive contests/events or two weeks (14 calendar days), whichever is greater. Two weeks loss of eligibility would normally result in ineligibility for four or more contests.	Loss of eligibility for 17 consecutive weeks. Eligibility may be regained after professional chemical evaluation (at student or family expense). MSHSL second violation rules also must be met (six contests/events or three weeks, [21 calendar days], whichever is greater).	No further participation in any activity for remainder of student's high school years. Eligibility may be regained with a professional chemical evaluation and treatment plan (at student/family expense). Must also meet MSHSL eligibility rules for third violation (loss of eligibility for 12 contests or four weeks, [28 calendar days], whichever is greater). *	No further participation in any activity for remainder of student's high school years.

\*The final question of eligibility shall be determined by an appeal to the activities eligibility committee.

## Conduct of Captains/Student Leaders

Because students in leadership roles are role models for other students and are likely to have greater visibility than other students, the school district holds them to a higher standard of conduct than other students.

A student shall be ineligible to be a captain/leader of a team/activity for the year or for the first year

after the year in which the student was selected as a captain/leader if there has been confirmation that the student violated the MSHSL and/or District 281 alcohol, tobacco or other controlled substances policy. A captain/leader of a team/activity shall be removed from the position of captain/leader and shall forfeit all honors afforded a captain/leader.

<b>Sexual, Physical, Racial, Religious Harassment or Hazing</b>			
<b>Grades 6-8</b>			
<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Loss of eligibility for two weeks (14 calendar days) or two consecutive contests/events, whichever is greater. Two weeks loss of eligibility would normally result in ineligibility for four or more contests.	Loss of eligibility for six consecutive contests/events or three weeks (21 calendar days), whichever is greater. It is recommended that the student be referred to a community agency or professional outside the school for counseling (at student/family expense).	No further participation in any activity for remainder of student's middle school years. Student may become eligible after showing evidence in writing that he or she has received counseling from a community agency or professional (at student/family expense). Must also meet the eligibility requirement, (loss of eligibility for 12 consecutive inter-scholastic contests/events or four weeks [28 calendar days], whichever is greater). *	No further participation in any activity for remainder of student's middle school years.

<b>Grades 9-12</b>			
<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Loss of eligibility for two consecutive contests/events or two weeks (14 calendar days), whichever is greater. Two weeks loss of eligibility would normally result in ineligibility for four or more contests.	Loss of eligibility for 17 consecutive weeks. It is recommended that the student be referred to a community agency or professional outside the school for counseling (at student/family expense).	No further participation in any activity for remainder of student's high school years. Students may become eligible after showing evidence in writing that he or she has received counseling from a community agency or professional (at student/family expense). Must also meet MSHSL eligibility requirement (loss of eligibility for 12 consecutive contests or four weeks [28 calendar days], whichever is greater). *	No further participation in any activity for remainder of student's high school years.

\*The final question of eligibility shall be determined by an appeal to the activities eligibility committee.

## ADDITIONAL DISCIPLINE INFORMATION

### Discipline Procedures

All disciplinary actions shall be processed pursuant to Robbinsdale Area Schools' Discipline Policy and the requirements of the Minnesota Pupil Fair Dismissal Act.

- a. Any student who violates the District-wide Student Discipline Policy or a school Student Discipline Policy may be subjected to the consequences established in the student handbook.
- b. Any student who violates the District-wide Student Discipline Policy or a school Student Discipline Policy that has a potential consequence of dismissal from school for more than one school day shall have an informal conference with a school administrator. An informal conference is not required where the student is creating an immediate and substantial danger to himself or herself or to surrounding persons or property.
- c. Any student who is being suspended from school for more than one day will be provided written notice containing: the grounds for suspension, facts giving rise to the dismissal, a description of the investigation, a readmission plan, and a copy of the Pupil Fair Dismissal Act. A copy of the notice will be personally served upon the student at or before the time the suspension is to take effect, unless the student will create an immediate and substantial danger to surrounding persons or property. The parents or guardians of the student shall be provided written notice of the suspension by mail within 48 hours of the informal conference. The parent's notice will include all the elements contained in the student's notice. The administration will make reasonable efforts to notify the student's parents or guardians of the suspension as soon as possible following suspension.
- d. Any suspension that exceeds five days in length will be accompanied by an explanation to the superintendent listing the reasons why the suspension exceeded five days in length.
- e. If a student's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parents or guardians prior to subsequently removing the student from school. The purpose of this meeting is to attempt to determine the student's need for assessment or other services.
- f. All students who violate a school policy or rule that has a potential consequence of exclusion or expulsion will be given the opportunity to have a hearing over the issue of exclusion or expulsion in accordance with Minnesota law. (See Minnesota Statute § 121A.40 to 121A.56.)
- g. A student who has been recommended for expulsion the second time should expect to receive more severe consequences.
- h. If a student has been removed from class more than 10 times in one school year, a meeting shall occur with the student's parents or guardians to discuss the problem that is causing the student to be removed from class. Grounds for removing a student from class may include but are not limited to:
  1. Willful conduct that significantly disrupts the rights of others to an education including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
  2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school; and
  3. Willful violation of any rule of conduct specified in the discipline policy.
- i. Procedures for removing students from class are determined and communicated at each school site on an annual basis.

### **Modification of Consequences**

The severity of the risk to the safety of students and staff related to a specific violation may result in a more significant consequence. The school district in its sole discretion may modify consequences beyond those set forth in this policy based on the particular misconduct.

### **Other Situations**

Because it is not possible to list every violation that occurs, those not specified will be responded to as necessary by staff on a case-by-case basis. Consequences can range from those assigned by a building administrator up to and including recommendation for expulsion.

### **Physical Restraint**

Physical restraint may be utilized by administrators, teachers and other staff only when it is necessary to use reasonable force to restrain a student from injuring himself or herself or others. "A teacher, school employee, school bus driver or other agent of a district may use reasonable force in compliance with Minnesota Statute § 121A.582 and other laws."

### **Police Liaison Officer**

When there is legitimate educational interest, school administrators may consult with the police liaison officer. Information gained can be considered in determining an appropriate consequence for a student's violation of school policy. This does not preclude separate proceedings or consequences by local law enforcement for the actions of this student. Administrators will involve the police or other law enforcement authorities as necessary. If a student violates a district policy that also violates a law, a contact will be made with local law enforcement for possible intervention.

### **Publication of Behavior Policy**

Each school will include the district-wide behavior policy along with their building-level behavior policy to establish their overall building behavior policy. Students and parents or guardians will be informed of the behavior policy at the beginning of the school year or when they enroll in Robbinsdale Area Schools.

### **Recommendation for Expulsion**

Expulsion is a legal act which may be taken by the school board to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled in accordance with Minnesota Statutes § § 121A.40 to 121A.56.

### **Students Attending Outside Programs**

Robbinsdale students who attend schools/programs outside the district will be subject to the District 281 Discipline Policy on school grounds, at sponsored activities, and while being transported to and from school programs, activities, and sites.

### **Students with Disabilities/Section 504 Students**

Students covered by Section 504 of the Rehabilitation Act of 1973 may be disciplined for behavior related to their disabilities, unless the discipline would result in significant change of placement. A qualified student with a disability may not be suspended for more than 10 cumulative school days without a manifestation determination conducted by the student's 504 team.

### **Students with Disabilities and Special Education Students**

School personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or 10 cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program.

That meeting must occur as soon as possible, but no more than 10 days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during the dismissal.

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

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

Minn. Stat. § 121A.43.

## **SAFE AND ACCEPTABLE USE OF THE NETWORK/INTERNET**

The school district is providing students with access to the school district computer, voice and video systems, which includes Internet access. The proper use of the district's electronic equipment, systems and internet access, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district. The purpose of the system is more specific than providing students with general access to the Internet. Students are expected to responsibly use the district's electronic equipment, systems and internet access in compliance with the Network/Internet Acceptable Use and Safety Policy, Policy 524. This policy is included in the appendix to this handbook.

The school district will not be responsible for any damage students may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school district storage devices, or for delays or interruptions of service, regardless of the cause. The school district is not responsible for personal property used to access school district computers, networks or online resources. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district systems. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet including unauthorized online purchases.

The school district uses technical means to limit and monitor Internet access. These systems and filters do not provide a foolproof means for enforcing the provisions of the Network/Internet Acceptable Use and Safety Policy.

Students should expect only limited privacy in the contents of personal files on the school district system. The school district does not relinquish control over materials on the system or contained in files on the system. Routine maintenance and monitoring of the school district system may lead to a discovery that a student has violated this policy, another school district policy, or the law.

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 Student Records. These policies may be found at [www.rdale.org](http://www.rdale.org) or at the education service center.

All provisions of the acceptable use policy are subordinate to local, state, and federal laws. Should the student violate the school district's acceptable use policy, the student's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.

Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location. The school district will provide parents the option to request alternative activities not requiring Internet access if requested.

Acknowledgment and acceptance of the student behavior handbook constitute notice and acceptance of the Network/Internet Acceptable Use and Safety Policy.





### Sample Referral Form

Student \_\_\_\_\_ Referring Staff \_\_\_\_\_ Classroom Teacher \_\_\_\_\_  
Rm # \_\_\_\_\_ Grade \_\_\_\_\_ Date \_\_\_\_\_ Time of incident \_\_\_\_\_:\_\_\_\_\_am/pm

**Location**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Classroom            | <input type="checkbox"/> Media Center/Library              | <input type="checkbox"/> Art Room        |
| <input type="checkbox"/> Playground           | <input type="checkbox"/> Bus Loading Zone                  | <input type="checkbox"/> Computer Lab    |
| <input type="checkbox"/> Commons/common areas | <input type="checkbox"/> Parking Lot                       | <input type="checkbox"/> Locker Room     |
| <input type="checkbox"/> Hallway/Breezeway    | <input type="checkbox"/> Bus                               | <input type="checkbox"/> Music Room      |
| <input type="checkbox"/> Cafeteria            | <input type="checkbox"/> Special Event/Assembly/field trip | <input type="checkbox"/> Vocational Room |
| <input type="checkbox"/> Bathroom             | <input type="checkbox"/> Off Campus                        | <input type="checkbox"/> Other           |
| <input type="checkbox"/> Gym                  | <input type="checkbox"/> Stadium                           | <input type="checkbox"/> Unknown         |

**Minor Problem Behavior: Level 1 (Check Only ONE)**

- |   |   |
|---|---|
| <input type="checkbox"/> Inappropriate Language             | <input type="checkbox"/> Dress Code Violation |
| <input type="checkbox"/> Physical contact/aggression        | <input type="checkbox"/> Technology Violation |
| <input type="checkbox"/> Defiance/disrespect/non-compliance | <input type="checkbox"/> Tardy                |
| <input type="checkbox"/> Disruption                         | <input type="checkbox"/> Other                |
| <input type="checkbox"/> Property Misuse                    |   |

**Staff Response to Behavior/Intervention:** \_\_\_\_\_

Phone call home on Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Major Problem Behavior: Levels 2-4 (Check Only ONE)**

- |  |   |
|--|---|
| <input type="checkbox"/> Abusive language/inappropriate language/profanity | <input type="checkbox"/> Technology Violation                 |
| <input type="checkbox"/> Physical Aggression                               | <input type="checkbox"/> Inappropriate display of affection   |
| <input type="checkbox"/> Defiance/disrespect/insubordination               | <input type="checkbox"/> Inappropriate location/Out of bounds |
| <input type="checkbox"/> Lying/Cheating                                    | <input type="checkbox"/> Gang Affiliation/display             |
| <input type="checkbox"/> Harassment/Bullying                               | <input type="checkbox"/> Use/possession of tobacco            |
| <input type="checkbox"/> Fighting  | <input type="checkbox"/> Use/Possession of alcohol            |
| <input type="checkbox"/> Disruption  | <input type="checkbox"/> Use/Possession of drugs              |
| <input type="checkbox"/> Tardy   | <input type="checkbox"/> Use/Possession of combustibles       |
| <input type="checkbox"/> Skipping  | <input type="checkbox"/> Bomb threat                          |
| <input type="checkbox"/> Truancy   | <input type="checkbox"/> Arson                                |
| <input type="checkbox"/> Property damage                                   | <input type="checkbox"/> Use/Possession of weapons            |
| <input type="checkbox"/> Forgery/Theft                                     | <input type="checkbox"/> Other Behavior                       |
| <input type="checkbox"/> Dress code violation                              |   |

Comments: \_\_\_\_\_

**Others Involved**     None     Peer     Staff     Teacher     Substitute     Unknown     Other

**Possible Motivation:**     Avoid Peer(s)     Avoid Adult(s)     Obtain Items/Activities     Avoid Tasks/Activities  
 Obtain Peer Attention     Obtain Adult Attention     Other     Undetermined

Comments: \_\_\_\_\_

**Administrative Decision:**     Time in office     Loss of privilege     Conference with student     Parent contact  
 Time out/detention     Restitution     Community service     Individualized instruction     Bus suspension     OSS     ISS  
 Saturday school     Expulsion     Other \_\_\_\_\_     Unknown

Staff Signature: _____	Date: _____
Administrator Signature: _____	Date: _____
Parent Signature: _____	Date: _____
Student Signature: _____	Date: _____

## **GLOSSARY OF TERMS**

### **Abusive Language**

Student delivers verbal messages that include disrespectful or threatening language.

### **Arson**

Student plans and/or participates in malicious burning of property.

Minn. Stat § 609.561 - 609.5632 (arson in 1st through 5th degrees).

### **Arson, if a combustible or flammable liquid is used**

Student plans and/or participates in malicious burning of property using a combustible or flammable liquid. The Board's zero tolerance policy applies.

Minn. Stat § 609.561 - 609.5632 (arson in 1st through 5th degrees).

### **Assault**

Intentional infliction of bodily harm upon another or committing an act with the intent to cause fear in another of immediate bodily harm or death.

### **Bus Suspension**

An action taken by the transportation department or a school administrator to prohibit a student from riding a school bus or other district vehicles for a specific number of days per incident.

### **Bus Violations**

Any disruptive behavior while riding a school bus.

### **Cheating or Plagiarizing**

Scholastic dishonesty that includes, but is not limited to, cheating on school assignments/tests, plagiarism or collusion is prohibited. Academic consequences may also be assigned.

### **Criminal Act Against a Staff Member**

Committing an act against a staff member that would be a crime if committed by an adult, if the student's act was because the person is or was a Robbinsdale Area Schools staff member. This policy applies to student acts occurring on or off school property and during or after school hours.

### **Defiance**

Student engages in refusal to follow directions, talks back and/or delivers socially rude interactions.

### **Detention**

The requirement that a student remain in school or attend school outside of normal class time or school hours.

### **Dismissal**

An action taken by school administration requiring a student to leave school for up to one full school day.

### **Disruption**

Student engages in behavior causing an interruption in class or activity including loud talk, yelling/screaming; noise with materials; horseplay; and/or sustained out-of-seat behavior.

### **Disruptive Behavior to and from School**

Behavior which endangers or harasses students on their way to and from school, walking, at the bus stop, or on the bus.

### **Disruptive Physical Contact/Aggression**

Student engages in actions involving serious physical contact where injury may occur.

### **Exclusion**

An action taken by a school board to prevent enrollment or re-enrollment of a student for a period which shall not extend beyond one school year.

### **Expulsion**

A legal action taken by the school board to prevent an enrolled student from further attendance up to 12 months from the date the student is expelled.

### **Fighting**

Student participates in an incident involving physical violence.

### **Fires/False Alarms**

Tampering or interfering with fire alarm system, false 911 calling/reporting, or failure to exercise caution, resulting in fire.

### **Forgery/Failure to Identify**

Signing a person's name without their permission, or refusing to identify oneself to a staff member.

**Gambling**

Playing a game of chance for stakes.

**Gang Display/Activity**

Student displays signs or is involved in behavior that is gang related as described by the State of Minnesota's gang criteria. As it relates to gangs, the State of Minnesota draws from ten gang identifiers to confirm a person as a gang member or for our purposes some of the identifiers may be useful in determining behaviors as gang related. The criteria include a person who:

1. Admits gang membership or association
2. Is observed to associate on a regular basis with known gang members
3. Has tattoos indicating gang membership
4. Wears gang symbols to identify with a specific gang
5. Is in a photograph with known gang members and/or uses gang related hand signs
6. Name is on a gang document, hit list or gang related graffiti
7. Is identified as gang member by a reliable source
8. Arrested in the company of identified gang members or associates
9. Corresponds with known gang members or writes and/or receives correspondence about gang activities
10. Writes about gangs (graffiti) on walls, books and paper

**Harassment, Based on Protected Status**

Harassment includes physical or verbal conduct that is based on protected status (See page 42).

**Harassment/Bullying/Cyber Bullying**

Harassment, bullying, cyber bullying, and other offensive behavior with intent to injure, degrade or intimidate others.

**Harmful Physical Contact**

Student engages in actions involving serious physical contact where injury did occur.

**Hazing**

Committing an act or coercing a student into committing an act that creates a substantial risk of harm to one in order for the student to be initiated into or affiliated with a school or school group.

**Inappropriate Language**

Swearing or using words in an inappropriate way.

**In-School Suspension (ISS)**

An action taken by school administration to prohibit a student from attending classes for a period of time while remaining under the supervision of school staff during the school day.

**Interference/Obstruction**

Any action taken to prevent a staff member from performing their assigned duties, including an investigation.

**Loss of Privileges**

Taking away participation in school sponsored activities.

**Multiple/Chronic**

Student has reached 20 major behavior referrals or 6 events of suspension.

**Multiple/Chronic - Repeat**

Following discipline for multiple chronic, student has reached an additional 10 major behavior referrals or three events of suspension.

**Other Disciplinary Action as Approved by Administration**

Consequences determined by the nature and severity of the situation as determined by the administration.

**Other (Major)**

Student engages in major problem behavior not listed.

**Other (Minor)**

Student engages in minor problem behavior not listed.

### **Out of School Suspension**

An action taken by school administration to prohibit a student from attending school for a period of no more than 10 school days. An additional five days may be added if exclusion or expulsion is being considered, or if the student's presence will create an immediate and substantial danger.

### **Parent/Guardian Conference**

Conference with a parent or guardian.

### **Physical Contact**

Students engage in non-serious, but inappropriate physical contact.

### **Possession/Use of a Dangerous Weapon other than a Firearm**

There will be zero tolerance for possession or use of a dangerous weapon by any student. A "dangerous weapon other than a firearm" is defined as

- 1) any device or instrument designed as a weapon and capable of producing death or great bodily harm,
- 2) any device modified so that it may be used as a weapon and capable of producing death or great bodily harm,
- 3) any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm,
- 4) any fire that is used to produce death or great bodily harm,
- 5) any knife with a blade equal or greater than 2.5 inches in length,
- 6) any replica firearm, BB or pellet gun.

Minn. Stat § 609.02, subd. 8 (def. great bodily harm),

Minn. Stat § 609.02, subd. 6 (def. of dangerous weapon),

Minn. Stat § 609.66, subd. 1d, 18 U.S.C. § 930(g)(2) (def. dangerous weapon),

See page 47

### **Possession/Use of a Firearm**

There will be zero tolerance for possession or use of a firearm by any student. Firearms are banned from all property owned or controlled by the Robbinsdale Area Schools. A firearm is defined in Minn. Stat. § 609.666, subd. 1(a) as a device designed to be used as a weapon, from which is expelled a projectile by the force of explosion or by the force of combustion. See page 47

### **Possession/Use of Other Weapon/Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition**

Other weapon includes any device or instrument – including any non-conventional weapon – which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. Other weapons include knives with blades under 2.5 inches, fake knives, look alike weapons, clubs, metal knuckles,, chains, poisons, arrows, bats, nunchucks, throwing stars, stun guns, mace and other propellants, and other objects that have been modified to serve as a weapon, etc. Minn. Stat § 609.02, subd. 7 & 7a (def. great bodily harm, substantial bodily harm), Minn. Stat § 609.713, subd. 3 (b)(2)(def. replica firearm), See page 47

### **Propellants**

A compound/mixture that is sprayed.

### **Property Damage/Vandalism**

Student participates in an activity that results in destruction or disfigurement of property.

### **Property Misuse**

Student engages in minor/low-intensity misuse of property.

### **Reasonable Suspicion**

An objectively justifiable suspicion that is based on specific facts or circumstances and that justifies stopping and sometimes searching (as by patting) a person thought to be involved in criminal activity at the time.

**Reckless or Careless Driving**

Driving on school property in such a manner as to endanger persons or property.

**Removal from Class**

An action taken by a teacher, administrator, or other school district employee to prohibit a student from attending class for a period of time not to exceed five class or activity periods.

**Respect**

Showing politeness or consideration for others.

**Restitution**

Replacing items that were stolen or damaged or providing fair market value by way of compensation or service.

**Robbery/Extortion**

The obtaining of property from another by force or threat of force.

If force or threat of force is not used, see Theft – Major.

**Saturday School**

The requirement that a student attends school on Saturday outside of normal school hours.

**School Location**

Includes a school building, school grounds, location of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the areas of entrance or departure from school premises or events, and location of all school related functions.

**Selling Drugs or Controlled Substances**

Student is selling or distributing legal or illegal drugs, synthetic drugs/imitations, alcohol, or other controlled substances. Students may be referred for a chemical use assessment.

Minn. Stat § 152.01, subds. 1-22 (def. of controlled substances),

Minn. Stat § 152.02,

Minn. Stat §§ 152.021-152.025, (controlled substance crimes in the 1st through 5th degrees).

**Sexual Misconduct, Non-Consensual**

Engaging in non-consensual sexual intercourse or sexual contact or indecent exposure with another person.

**Sexual, Inappropriate Behavior**

Engaging in sexual behavior, including but not limited to, sexual intercourse, displaying or distributing sexually explicit materials, indecent exposure, and other sexual contact.

**Skipping Class/Unauthorized Area**

Student leaves or misses class without permission.

**Student Attire**

Student wears clothing that does not fit within the dress code guidelines practiced by the school/district.

**Student Conference**

Conference with school personnel and student.

**Substantial Disruption**

Students engages in action which causes a substantial disruption in class or in the school.

**Tardiness**

Student arrives at class after the bell or signal that class has started.

**Teasing/Name Calling**

Student engages in teasing, calling another student a name, or using hurtful language toward another student.

**Technology Misuse**

Student engages in non-serious but inappropriate use of cell phone, pager, music/video player, camera, and/or computer.

**Technology Violation**

Student engages in inappropriate use of cell phone, pager, music/video player, camera, and/or computer.

**Terroristic Threats**

Threatening directly or indirectly to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly, or vehicle or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

Minn. Stat § 609.713 (def. of terrorist threats),.

**Theft - Major**

Unauthorized taking/possession of the property of another including, but not limited to jackets, expensive electronics, etc.



**Theft – Minor**

Unauthorized taking or possession of the property of another including, but not limited to school supplies, food, etc.

**Threats to Another Person**

Any oral, written, or physical threat, sign, or act which conveys intent to cause harm or violence, even made in jest.

**Trespassing, including Periods of Dismissal or Suspension**

Being physically present on school property or at a school event after being directed to leave by a school administrator or other person lawfully responsible for the control of the premises. Being on school grounds during a dismissal or suspension period is considered trespassing.

Minn. Stat § 609.605, subd. 4.

**Truancy**

Student receives an “unexcused absence” for ½ day or more.

**Use/Possession of Combustibles**

Student is in possession of substances/objects capable of causing bodily harm and/or property damage (matches, lighters, firecrackers, gasoline, lighter fluid, etc.).

**Use/Possession of Drugs, Alcohol, or Other Controlled Substances**

Student is in possession of illegal drugs/substances or other controlled substances; or is unlawfully under the influence of any illegal drug/substance, controlled drug or substance except in accordance with a doctor’s prescription; or is in possession of equipment or devices used for preparing or taking illegal drugs/substances. Students may be referred for a chemical use assessment.

Minn. Stat § 152.01, subds. 1-22 (def. of controlled substances),

Minn. Stat § 152.02,

Minn. Stat §§ 152.021-152.025, (controlled substance crimes in the 1st through 5th degrees).

**Use/Possession of Tobacco**

Student is in possession of or is using tobacco.

## APPENDIX

### The Pupil Fair Dismissal Act

#### 121A.40 Citation

Minnesota Statutes Sections 121A.40 to 121A.56 may be cited as “The Pupil Fair Dismissal Act.”

#### 121A.41 Definitions

- Subd. 1. Applicability. As used in sections 121A.40 to 121A.56, the terms defined in this section shall have the meanings assigned them.
- Subd. 2. Dismissal. “Dismissal” means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.
- Subd. 3. District. “District” means any school district.
- Subd. 4. Exclusion. “Exclusion” means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.
- Subd. 5. Expulsion. “Expulsion” means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.
- Subd. 6. Parent. “Parent” means (a) one of the pupil’s parents, (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.
- Subd. 7. Pupil. “Pupil” means any student:
- (1) without a disability under 21 years of age; or
  - (2) with a disability under 21 years old who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year; and
  - (3) who remains eligible to attend a public elementary or secondary school.
- Subd. 8. School. “School” means any school defined in section 120A.05, subdivisions 9, 11, 13, and 17.
- Subd. 9. School board. “School board” means the governing body of any school district.
- Subd. 10. Suspension. “Suspension” means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent’s child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.
- Subd. 11. Alternative educational services. “Alternative educational services” may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02 although in a different setting.

#### 121A.42 Policy

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

#### 121A.43 Exclusion and expulsion of pupils with a disability

- (a) Consistent with federal law governing days of removal and section 121A.46, school personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or 10 cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child’s individualized education program team, including at least one of the child’s teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child’s individualized education program. That meeting must occur as soon as possible, but no more than 10 days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.
- (b) A dismissal for one school day or less is a day or a partial day of suspension if the child with the disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.
- (c) A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.
- (d) Before initiating an expulsion or exclusion under sections 121A.40 to 121A.56, the district, relevant members of the child’s individualized education program team, and the child’s parent shall, consistent with federal law, determine whether the child’s behavior was caused by or had a direct and substantial relationship to the child’s disability and whether the child’s conduct was a direct result of a failure to implement the child’s individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the child’s disability, the district shall continue to provide special education and related services during the expulsion or exclusion.

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

- (a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.
- (b) Notwithstanding chapter 13, a student’s expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

#### 121A.45 Grounds for dismissal

- Subd. 1. Provision of alternative programs. No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.
- Subd. 2. Grounds for Dismissal. A pupil may be dismissed on any of the following grounds:

- (a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;
- (b) willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or (c) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

Subd. 3. Parent Notification and Meeting. If a pupil's total days of removal from school exceeds 10 cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian prior to subsequently removing the pupil from school, and with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

#### 121A.46 Suspension procedures

- Subd. 1. Informal administrative conference before suspension. The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.
- Subd. 2. Administrator notifies pupil of grounds for suspension. At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.
- Subd. 3. Written notice of grounds for suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.
- Subd. 4. Suspension pending expulsion or exclusion. Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

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

- Subd. 1. Requiring a hearing; pupil may waive hearing. No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.
- Subd. 2. Written notice. Written notice of intent to take action shall:
  - (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
  - (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
  - (c) state the date, time, and place of the hearing;
  - (d) be accompanied by a copy of sections 121A.40 to 121A.56;
  - (e) describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
  - (f) inform the pupil and parent or guardian of the right to:
    - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the department of education;
    - (2) examine the pupil's records before the hearing;
    - (3) present evidence; and
    - (4) confront and cross-examine witnesses.
- Subd. 3. Hearing schedule. The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.
- Subd. 4. Convenient time and place of hearing. The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.
- Subd. 5. Closed or open hearing. The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.
- Subd. 6. Impartial hearer. The hearing shall take place before:
  - (1) an independent hearing officer;
  - (2) a member of the school board;
  - (3) a committee of the school board; or
  - (4) the full school board;
 as determined by the school board. The hearing shall be conducted in a fair and impartial manner.
- Subd. 7. Creating hearing record. The school board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths.
- Subd. 8. Access to pupil's records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.
- Subd. 9. Pupil's right to compel testimony. The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.
- Subd. 10. Pupil's right to present evidence and testimony. The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- Subd. 11. Pupil not compelled to testify. The pupil cannot be compelled to testify in the dismissal proceedings.
- Subd. 12. Hearer's recommendation limited to evidence at hearing; service within two days. The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.
- Subd. 13. Basis of school board decision; opportunity for comment. The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision.
- Subd. 14. Admission or readmission plan.
  - (a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The

plan may include measures to improve the pupil's behavior, including completing a character education program, consistent with section 120B.225, Sub. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

- (b) The definition of suspension under Minnesota Statute Section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative educational services, which must not be used to extend the student's current suspension period. Consistent with Minnesota Statute Section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of the administration of a psychotropic drug 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 education neglect.

#### 121A.48 Good faith exception

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

#### 121A.49 Appeal

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

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

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the school district;
- (3) made upon unlawful procedure, except as provided in section 121A.48;
- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the entire record submitted; or
- (6) arbitrary or capricious.

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

#### 121A.50 Judicial review

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

#### 121A.51 Reports to service agency

The school board shall report any action taken pursuant to sections 121A.40 to 121A.56 to the appropriate public service agency, when the pupil is under the supervision of such agency.

#### 121A.52 Nonapplication of compulsory attendance law

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

#### 121A.53 Report to the commissioner of education

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

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

#### 121A.54 Notice of right to be reinstated

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

#### 121A.55 Policies to be established

- (a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.
- (b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.
- (c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have individualized education plans from school grounds.

#### 121A.56 Application

- Subd. 1. Prohibition against discrimination remains in effect. Sections 121A.40 to 121A.56 shall not be deemed to amend or otherwise affect or change section 363.03, subdivision 5, clause (2).
- Subd. 2. Portions of school program for credit. Sections 121A.40 to 121A.56 shall apply only to those portions of the school program for which credit is granted.

# Acceptable Use Policy

## I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the school district computer, voice and video systems and acceptable and safe use of the Internet, including electronic communications.

## II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to the school district computer, voice and video systems and the Internet, including electronic communications, the school district 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 the school district computer, voice and video systems and to the Internet enables students and employees to explore thousands of web-based resources and collaborate with experts and learners around the world. The school district expects that faculty will blend thoughtful use of the school district computer, voice and video systems and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

## III. LIMITED EDUCATIONAL PURPOSES

The school district is providing students and employees with access to the school district computer, voice and video systems, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose. Users are expected to use Internet access through the district system to further educational and professional goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

## IV. USE OF SYSTEM IS A PRIVILEGE

The use of the school district systems 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 the school district systems or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

## V. UNACCEPTABLE USES

A. The following uses of the school district systems and Internet resources or accounts are considered unacceptable:

1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
  - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
  - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - d. information or materials that could cause damage or danger of disruption to the educational process;
  - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the school district systems 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.
3. Users will not use the school district systems to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use the school district systems 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 or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
5. Users will not use the school district systems to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
6. Users will not use the school district systems to post private information about another person, personal contact information about themselves or other persons.
  - a. 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).
  - b. Employees creating or posting school-related web pages may include contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
    - (1) 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
    - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.
7. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, 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.
8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district.
10. Employees shall not remove equipment from the district for personal use. They may, however, use equipment off-premise to conduct work for the school district or activities consistent with the mission of the school district and district policies, and agree that they will:
  - a. report the use with the school principal, district administrator or their designee;
  - b. assume responsibility for the equipment while in their possession. If the equipment is lost, stolen or rendered worthless due to their negligence, the employee may be required to reimburse the district the full replacement value of the equipment.



- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer, voice and video systems and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- 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. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. 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 or, in the case of a school district employee, the building administrator.

**VI. FILTER**

Under the Children's Internet Protection Act (CIPA), school districts are required to restrict minors' access to internet-based materials. The district has licensed a commercial internet filtering package that meets or exceeds the CIPA requirement for student protection.

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of minors and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Child pornography; or
  - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
  - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
  - 2. 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
  - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. An administrator, supervisor, or other person authorized by the Executive Director of Technology may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

**VII. USE OF SOCIAL MEDIA**

The District recognizes the importance of online social media as a communication and e-learning tool. Toward that end, the District provides social media tools and District-approved technologies to promote and enhance collaborative learning and communication.

- A. The use of social media is subject to all provisions in the Network/Internet Acceptable Use and Safety Policy.
- B. Public social media networks outside of those sponsored by the District may not be used for classroom instruction without prior authorization of the Executive Director of Technology.
- C. The line between professional and personal relationships is often blurred within the context of social media. When employees choose to join or engage with District students, families or fellow employees in a social media context that exists outside those approved by the District, they must maintain their professionalism as District employees and will take responsibility for addressing inappropriate behavior or activity on these networks including requirements for mandatory reporting.
- D. The District may use social media to effectively communicate with the general public.

**VIII. USE OF PERSONAL DEVICES TO ACCESS SCHOOL DISTRICT RESOURCES**

The District provides the opportunity for students and staff to bring personal electronic devices to school in order to access school network resources for use consistent with the District's mission and policies. Usage is subject to the following:

- A. The use of personal electronic devices to access school network resources is subject to all provisions in the Network/Internet Acceptable Use and Safety Policy
- B. The use of personal electronic devices to access school network resources must support instructional or professional activities. Students must use personal electronic devices in accordance with their teacher's instruction.
- C. The District will not accept responsibility for personal electronic devices on District facilities. Users should take all reasonable precautions to protect their property.
- D. Access to school network resources with personal electronic devices will be monitored and subject to content filtering.
- E. Students and Employees who choose to use personal electronic devices to access school network resources must accept a wireless access agreement. This agreement acknowledges that:
  - 1. Access to the wireless network is a privilege. Misuse may result in loss of access and may be subject to disciplinary action.2. Access will be monitored and subject to content filtering.
  - 2. Access will be monitored and subject to content filtering.

**IX. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of the school district computer, voice and video systems and use of the Internet shall be consistent with school district policies and the mission of the school district.

**X. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the school district system, the school district 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 the school district system.
- B. Routine maintenance and monitoring of the school district 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. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

## **XI. INTERNET USE AGREEMENT**

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. The Student Internet Use Agreement is located in the Student Handbook. Parental signature acknowledging and accepting the policies of the student handbook constitute notice and acceptance of the Network/Internet Acceptable Use and Safety Policy
- C. The Employee Internet Use Agreement is located in the Employee Handbook. Compliance with the Network/Internet Acceptable Use and Safety Policy is a condition of employment.

## **XII. LIMITATION ON SCHOOL DISTRICT LIABILITY**

- A. Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis.
- B. The school district 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 diskettes, 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.
- C. The school district is not responsible for personal property used to access school district computers, networks or online resources.
- D. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system.
- E. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

## **XIII. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
  1. Notification that Internet use is subject to compliance with school district policies.
  2. Disclaimers limiting the school district's liability relative to:
    - a. Information stored on school district storage drives, or servers.
    - b. Information retrieved through school district computers, networks, or online resources.
    - c. Personal property used to access school district computers, networks, or online resources.
    - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
  3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  5. 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.
  6. 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 Student Records.
  7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken
  8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

## **XIV. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. If requested by the parent, the school district will provide parents the option to request alternative activities not requiring Internet access.

## **XV. IMPLEMENTATION; POLICY REVIEW**

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy.
- B. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.

**Legal References:** 15 U.S.C. § 6501 et seq. (Children's Online Privacy Protection Act)  
17 U.S.C. § 101 et seq. (Copyrights)  
20 U.S.C. § 6751 et seq. (Enhancing Education through Technology Act of 2001)  
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))  
47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
Minn. Stat. § 125B.15 (Internet Access for Students)  
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
United States v. Amer. Library Assoc., 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)  
Doninger v. Niehoff, 527 F.3d 41 (2nd Cir. 2008)  
Layshock v. Hermitage Sch. Dist., 412 F.Supp.2d 502 (W.D. Pa. 2006)  
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)  
J.S. v. Bethlehem Area Sch. Dist., 807 A.2d 847 (Pa. 2002)

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## 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. The school district expects students to achieve a 95% attendance rate, meaning a student is not absent more than 9 days total in a school year or its equivalent in class periods.

### 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, with parent support as appropriate.

##### 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. It is the parent's responsibility to request that absences or tardiness be excused.

##### 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, and to maintain accurate records on student attendance. 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, orthodontic treatment, or a mental health 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) Absence related to compliance with the State's immunization requirements.
  - (14) Family vacations when arranged and approved in advance. Requests for prior approval must be submitted to the building principal in writing at least one week in advance.
  - (15) College visits that are unable to be scheduled on non-school days.
- 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. Students should check with their teachers for specific class procedures for assignment completion.
  - (2) Work missed because of absence must be made up within the same number of days that the student was absent. For example, a student absent for two school days would have two school days to turn in the makeup work. However, the building principal or the classroom teacher may extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.
  - (3) When a family knows in advance that a student will be absent for an extended time, prior arrangements should be made for missed assignments, recognizing that homework may not always be ready or available at that time.
- d. Excessive Excused Absences  
In cases where the school team has reason to believe that excuses are excessive, additional documentation will be requested to excuse further absences, e.g. a doctor's note. Further absences without the stated documentation will be recorded as an unexcused absence.

2. Unexcused Absences

a. The following are examples of absences which will not be excused:

- (1) Truancy. An absence by a student which was not approved by the parent and/or the school district.
- (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
- (3) Work at home.
- (4) Work at a business, except under a school-sponsored work release program.
- (5) Vacations with family, unless pre-approved by the building administrator.
- (6) Personal trips to schools or colleges, unless pre-approved by the building administrator.
- (7) Absences resulting from cumulated unexcused tardies (see definitions).
- (8) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.
- (3) In cases of recurring unexcused absences, progressive interventions designated in the Hennepin County be@school Truancy Prevention program will be implemented. The administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes and the be@school program.
- (4) Students with unexcused absences shall be subject to established discipline procedures within each school consistent with the district student behavior handbook.

C. Tardiness

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

2. Procedures for Reporting Tardiness

a. Students tardy at the start of school must report to the school office for an admission slip. At the secondary level, tardies are reported by the classroom 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 appointments.
- e. Court appearances occasioned by family or personal action.
- f. Physical emergency conditions such as fire, flood, storm, etc.
- g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

- a. An unexcused tardiness is failing to be in an assigned area at the designated time the class period or school day commences without a valid excuse.
- b. Consequences of tardiness follow established school guidelines and procedures in accordance with the district student behavior handbook.

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

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

III. DEFINITIONS

Elementary

- Elementary Tardy Up to 59 minutes late
- Elementary Partial Day Absence 1-3 hours
- Elementary Partial Day Absence 5 tardies
- Elementary Full Day Absence 4 or more hours

Secondary

- Secondary Tardy Up to one period
- Secondary Partial Day Absence 1-3 period absences
- Secondary Full Day Absence 2 partial day absences
- Secondary Full Day Absence 4 or more period absences

IV. DISSEMINATION OF POLICY

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

## V. REQUIRED REPORTING

- A.. The school attendance officer will report truancy to families according to the process outlined by be@school, the Hennepin County Attorney's Office Educational Neglect/Truancy Program.

Legal References: Minn. Stat. § 120A.05 (Definitions)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 120A.24 (Reporting)  
Minn. Stat. § 120A.26 (Enforcement and Prosecution)  
Minn. Stat. § 120A.28 (School Boards and Teachers, Duties)  
Minn. Stat. § 120A.30 (Attendance Officers)  
Minn. Stat. § 120A.34 (Violations; Penalties)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 260A.02 (Definitions)  
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is Continuing Truant)  
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)  
Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)  
Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729 (1975)  
Slocum v. Holton Board of Education, 429 N.W.2d 607 (Mich. App. Ct. 1988)  
Campbell v. Board of Education of New Milford, 475 A.2d 289 (Conn. 1984)  
Hamer v. Board of Education of Township High School District No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)  
Gutierrez v. School District R-1, 585 P.2d 935 (Co. Ct. App. 1978)  
Knight v. Board of Education, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)  
Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Policy adopted by the school board: September 19, 2011

## 522 Student Gender Nondiscrimination

### I. PURPOSE

Students are protected from discrimination on the basis of gender 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 gender.

### II. GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of gender. 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 the school district on the basis of gender.
- B. It is the responsibility of every school district employee to comply with this policy.
- C. The school board hereby designates the Executive Director of Educational as its Title IX coordinator. This employee coordinates the school district'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 superintendent or the school district human rights officer.

### III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful gender discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful gender 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. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful gender discrimination toward a student directly to a school district human rights officer or to the superintendent.
- B. In Each School Building. The building principal is the person responsible for receiving oral or written reports or grievances of unlawful gender discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful gender discrimination toward a student shall inform the building principal immediately.
- C. Upon receipt of a report or grievance, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal 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 principal to the human rights officer. If the report was given orally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful gender discrimination toward a student as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- D. The school board hereby designates its Title IX coordinator as the school district human rights officer(s) to receive reports, complaints or grievances of unlawful gender discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- E. The school district shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful gender 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. The school district 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 the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.



IV. INVESTIGATION

- A. By authority of the school district, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful gender 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 the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful gender discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. SCHOOL DISTRICT ACTION

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

VI. REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful gender 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 gender 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, staff members, employee unions and organizations.
- B. The school district shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

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)

Policy adopted by  
the school board: June 4, 2012

# Hazing Policy

## PURPOSE

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

## GENERAL STATEMENT OF POLICY

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

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

## REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy.
- B. The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to a school district human rights officer or to the superintendent.
- C. Teachers, administrators, volunteers, contractors and other employees of the school district shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing shall inform the building principal immediately.
- 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.

## SCHOOL DISTRICT ACTION

- A. Upon receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of hazing.
- C. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, school district policies and regulations.

## REPRISAL

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

## DISSEMINATION OF POLICY

This policy shall appear in each school's student handbook and in each school's Building and Staff handbooks.

**Legal References:** Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Policy adopted by Board on February 6, 2012

# Search Policy

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 the school district'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 the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school administrators 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 administrators 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 administrators must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school administrators.

### B. Desks

School desks are the property of the school district. At no time does the school district relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school administrators 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 administrators 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. It shall be a violation of this policy for students to use lockers and desks for unauthorized purposes or to store contraband. It shall be a violation for students to 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 the school district, 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 administrator 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 administrator's personal observation, a report from a student, parent or staff 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 administrators 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 administrators 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 administrators must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school administrators.
- D. Whenever feasible, a search of a person shall be conducted in private by a school administrator of the same sex. A second school administrator 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. Strip searches, mass strip searches, or body cavity searches, are prohibited.
- F. A school administrator conducting any other search may determine when it is appropriate to have a second administrator present as an observer.
- G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school administrators deem appropriate. The school district 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 the school district, 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 administrators will seize the item and, where appropriate, turn it over to legal administrators for ultimate disposition.

## VII. 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 the school district's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal.

**Legal References:** U. S. Const., amend. IV  
Minn. Const., art. I, § 10  
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)  
Minn. Stat. § 121A.72 (School Locker Policy)

Policy adopted by Board on May 16, 2011

# Equal Educational Opportunity 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. It is the school district's policy to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The school district also makes reasonable accommodations for disabled students.
- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy 413 on harassment and violence.
- 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. It is the responsibility of every school district employee to comply with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the Executive Director of Educational Services as provided by this policy.

**Legal References:** Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972)  
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

Policy adopted by Board on April 20, 2011

# The Pledge of Allegiance Policy

## I. PURPOSE

The school 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 in this school district shall recite the pledge of allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate; or
- B. Over a school intercom system by a person designated by the school principal 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.

**Legal References:** Minn. Stat. § 121A.11, Subd. 3 (Pledge of Allegiance)  
Minn. Stat. § 121A.11, Subd. 4 (Instruction)

Policy adopted by  
the school board: May 7, 2012

# School Weapons Policy

501 SCHOOL WEAPONS POLICY

## I. PURPOSE

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

## II. GENERAL STATEMENT OF POLICY

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

## III. DEFINITIONS

### A. "Weapon"

1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace and other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

B. "School Location" includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.

C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.

## IV. EXCEPTIONS

A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.

B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:

1. active licensed peace officers; military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
2. 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;
3. persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with § 97B.045;
  - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
  - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with §§ 624.714 and 624.715.
4. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
5. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
6. a gun or knife show held on school property;
7. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
8. persons who are on unimproved property owned or leased by a child care center, school or school district unless the person knows that a student is currently present on the land for a school-related activity.

### C. Policy Application to Instructional Equipment/Tools

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

### D. Firearms in School Parking Lots and Parking Facilities

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



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

- A. The school district takes a position of “Zero Tolerance” in regard to the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:
1. immediate out-of-school suspension;
  2. confiscation of the weapon;
  3. immediate notification of police;
  4. parent or guardian notification; and
  5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.
- C. Provision for Administrative Discretion  
While the school district takes a “Zero Tolerance” position on the possession, use or distribution of weapons by students, the superintendent may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

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

- A. Employees
1. An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, or discharge as deemed appropriate by the school board.
  2. 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.
  3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.
- B. Other Nonstudents
1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
  2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

**Legal References:** Minn. Stat. § 97B.045 (Transportation of Firearms)  
Minn. Stat. § 121A.05 (Referral to Police)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)  
Minn. Stat. § 609.02, Subd. 6 (Definition of Dangerous Weapon)  
Minn. Stat. § 609.605 (Trespass)  
Minn. Stat. § 609.66 (Dangerous Weapons)  
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)  
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)  
18 U.S.C. § 921 (Definition of Firearm)  
I n re C.R.M. 611 N.W.2d 802 (Minn. 2000)

Policy adopted by Board on June 20, 2011

# Harassment and Violence Policy

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

## II. GENERAL STATEMENT OF POLICY

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

## III. DEFINITIONS

- A. "Assault" is:
  1. an act done with intent to cause fear in another of immediate bodily harm or death;
  2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
  1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
  1. "Age" means the person is over the age of 25 years.
  2. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
    - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
    - b. has a record of such an impairment; or
    - c. is regarded as having such an impairment.
  3. "Familial status" means the condition of one or more minors being domiciled with:
    - a. their parent or parents or the minor's legal guardian; or
    - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
  4. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
  5. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
  6. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  7. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
  8. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
  - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
  - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
2. Sexual harassment may include, but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;
  - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
  - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of gender.

F. Sexual Violence; Definition

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

G. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator, or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent.
- B. In the District. The school board hereby designates the Executive Director of Human Resources as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- C. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- D. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments.
- E. Use of formal reporting forms is not mandatory.
- F. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- G. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. School district personnel who fail to inform the building report taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.
- H. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, upon receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall immediately undertake or authorize an investigation, as appropriate. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators, or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation, as appropriate. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

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

## **VII. REPRISAL**

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

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

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

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

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

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

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed for compliance with state and federal law.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)  
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)  
Puller v. Indep. Sch. Dist. No. 701, 528 N.W.2d 273 (Minn. Ct. App. 1998)

Approved by Board on January 19, 2011

# Student Records Policy

## 515 PROTECTION AND PRIVACY OF STUDENT RECORDS

### I. PURPOSE

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of student 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. 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).

#### B. 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.

#### C. 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 number, school, dates of attendance (enrollment), grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, photograph / video image, birth date / age, degrees, honors and awards received. Directory information does not include a student’s social security number or a student’s identification number (“ID”) if the ID 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, password, or other factor known or possessed only by the authorized user. It also does not include personally identifiable data which references religion, race, color, social position, or nationality. Data collected from nonpublic school students, other than those who receive shared time educational services, shall not be designated as directory information unless written consent is given by the student’s parent or guardian.

#### D. 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.

#### E. Eligible Student

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

#### F. Juvenile Justice System

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

#### G. 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.



#### H. 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.

#### I. 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.

#### J. 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.

#### K. Responsible Authority

“Responsible authority” means Executive Director of Technology or designee.

#### L. 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.

#### M. 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, police liaison officer, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

#### N. 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.

#### O. 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).

### VI. DISCLOSURE OF EDUCATION RECORDS

#### A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.

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

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

#### B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which the school district would otherwise use employees;
  - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information 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, 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 or return to the school district 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 returned or destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. If the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information. The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file;
19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;
20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to

work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law. The principal must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the superintendent of such action; or

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

#### C. Nonpublic School Students

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

1. Pursuant to a valid court order;
2. Pursuant to a statute specifically authorizing access to the private data; or
3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

## VII. RELEASE OF DIRECTORY INFORMATION

### A. Classification

Directory information is public except as provided herein.

### B. Former Students

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

### C. Present Students and Parents

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

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to prevent the school district from disclosing or requiring the student to disclose the student's name, identifier, or school district e-mail address in a class in which the student is enrolled.
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 nondirectory 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 school principal or the district student records department and shall include the following:

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

### E. Duration

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

## VIII. DISCLOSURE OF PRIVATE RECORDS

### A. Private Records

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

to whom personally identifiable information from education records is disclosed.

**B. Private Records Not Accessible to Parent**

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

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
  - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
  - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
  - e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

**C. Private Records Not Accessible to Student**

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

**IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

**A. Confidential Records**

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

**B. Reports Under the Maltreatment of Minors Reporting Act**

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

**C. Investigative Data**

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

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

**D. Chemical Abuse Records**

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

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

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

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

- A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and postsecondary 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 postsecondary 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 school office or the district student records department in writing by September 30 each year.



The written request must include the following information:

1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, the school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

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

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

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

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

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

### **D. Notification**

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

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

### **A. Responsible Authority**

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

### **B. Record Security**

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

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

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

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

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

The responsible authority shall review the plans submitted pursuant to Paragraph

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

### **E. Record Keeping**

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and

- c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 C.F.R. § 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
- 3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
- 4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of the school district.
- 5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom the school district disclosed the information.
- 6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

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

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

The school district shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

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

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

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

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

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

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

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

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

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

##### **F. Records Containing Information on More Than One Student**

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

##### **G. Authority to Inspect or Review**

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

##### **H. Fees for Copies of Records**

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

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

##### **A. Request to Amend Education Records**

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

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school district to make. The request shall be signed and dated by the requestor.
2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

**B. Right to a Hearing**

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

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

**C. Conduct of Hearing**

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

**D. Appeal**

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

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means Executive Director of Technology.
- 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. The school district may not require such a waiver.

**XIX. ANNUAL NOTIFICATION OF RIGHTS**

**A. Contents of Notice**

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as

long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

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

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

**C. Notification to Parents or Eligible Students Who are Disabled**

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

**XX. DESTRUCTION AND RETENTION OF RECORDS**

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

**XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the district education service center.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
10 U.S.C. § 503(b) and (c) (Enlistments; Recruiting Campaigns; Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)  
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 et seq. (No Child Left Behind)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 et seq. (Confidentiality of Drug Abuse Patient Records)  
Gonzaga University v. Doe, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d309 (2002)

Approved by Board on June 18, 2012

## Transportation Policy

Revised: April 4, 2011

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 school district may designate a school bus safety week. The National School Bus Safety Week is the third week in October.

B. Student Training

Expenditures for School Bus Safety Activities

A description of school district funds expended for school bus safety activities from student transportation reserved revenue is kept in the office of the superintendent and is available for review. As required by law, these expenditures will be annually reported to the Department of Public Safety.

The school district's expenditures for transportation safety are incorporated by reference into this policy.

1. The school district shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
  - a. transportation by school bus is a privilege, not a right;
  - b. school district policies for student conduct and school bus safety;
  - c. appropriate conduct while on the bus;
  - d. the danger zones surrounding a school bus;
  - e. procedures for safely boarding and leaving a school bus;
  - f. procedures for safe vehicle lane crossing; and
  - g. school bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training or receive bus safety instruction materials by the end of the sixth week of school, if they have not previously received school bus training. Students in grades K through 10 who enroll in a school after the second week

of school, are transported by school bus, and have not received training in their previous school districts shall undergo school bus safety training or receive bus safety instructional materials within four weeks of their first day of attendance.

3. The school district and a non-public school with students transported by school bus at public expense must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students taking driver's training instructional classes must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus as required by State Statute.
5. The school district and a non-public school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.
6. The school district will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
7. The school district may provide kindergarten students with school bus safety training before the first day of school.
8. The school district may provide student safety education for bicycling and pedestrian safety for students in grades K through 5.
9. The school district shall adopt and make available for public review a curriculum for transportation safety education.
10. Non-public school students transported by the school district will receive school bus safety training by their non-public school. The non-public schools may use the school district's school transportation safety education curriculum. Upon request by the school district superintendent, the non-public school must certify to the school district's school transportation safety director that all students enrolled in grades K through 10 have received the appropriate training.

### III. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

Videotapes will be used to support bus drivers' incident reports and enforce consequences of the student discipline policy. The videotapes will be reviewed by transportation office personnel and kept for at least 30 days before they are reused. If there is a request by the transportation department or a school principal to review the tape, it will be kept until such time that a meeting can be held. If there is a complaint or claim made involving the conduct of any student for which there is a videotape, the videotape will be retained for one year.

The videotapes will only be viewed by the superintendent (and/or designee), the lead associate for transportation (and/or designee) and the principal (and/or designee) of the school building involved in the incident. The parent or guardian of the student engaged in any alleged improper conduct will be shown the tape only if deemed necessary by the principal or lead associate for transportation. Tapes revealing unlawful actions may be brought to the attention of local law enforcement agencies. Whenever a parent or guardian disputes a bus incident report and their child's actions were videotaped, it will be the responsibility of the school principal to meet with the parent or guardian to review the tape. Whenever possible, a representative from the transportation office will attend these meetings.

Videotapes which are retained in conjunction with the conduct of any particular student will be treated as private data under the Government Data Practices Act.

The intent is to use the cameras randomly but also to focus on specific problem areas. In most cases, the camera will be used when the transportation department has been made aware of a problem or a potential problem.

- A. Riding the school bus is a privilege, not a right. The school district's general student behavior rules are in effect for all students on school buses, including non-public and charter school students.
- B. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. Students are expected to follow the same behavioral standards while riding school buses as are expected on school property or at school activities, functions or events. All school rules are in effect while a student is riding the bus or at the bus stop. In addition, all school bus/bus stop misconduct will be reported to the school district's transportation safety director. Serious misconduct will be reported to the Department of Public Safety and may be reported to local law enforcement.
  1. School Bus and Bus Stop Rules. The school district school bus safety rules are to be posted on every bus. If these rules are broken, the school district's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the school district's Transportation Office/School Office.
  2. Rules at the Bus Stop:
    - a. Get to your bus stop five minutes before your scheduled pick up time. The school bus driver will not wait for late students.
    - b. Respect the property of others while waiting at your bus stop.
    - c. Keep your arms, legs, and belongings to yourself.
    - d. Use appropriate language.
    - e. Stay away from the street, road, or highway when waiting for the bus.
    - f. Wait until the bus stops before approaching the bus.
    - g. After getting off the bus, move away from the bus.
    - h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
    - i. No fighting, harassment, intimidation, or horseplay.
    - j. No use of alcohol, tobacco, or drugs.
  3. Rules on the Bus:
    - a. Immediately follow the directions of the driver.
    - b. Sit in your seat facing forward.
    - c. Talk quietly and use appropriate language.
    - d. Keep all parts of your body inside the bus.
    - e. Keep your arms, legs, and belongings to yourself.
    - f. No fighting, harassment, intimidation, or horseplay.
    - g. Do not throw any object.
    - h. No eating, drinking, or use of alcohol, tobacco, or drugs.
    - i. Do not bring any weapons or dangerous objects on the school bus.
    - j. Do not damage the school bus.
  4. Consequences as required by the district's Student Rights, Opportunities and Responsibilities and Discipline Policy



#### IV. PARENT AND GUARDIAN INVOLVEMENT

##### A. Parent and Guardian Notification

The school district school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

##### B. Parents'/Guardians' Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with school district rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Assist students in understanding safety rules and encouraging them to abide by them;
3. Recognize their responsibilities for the actions of their students;
4. Respect the rights and privileges of others;
5. Support safe riding and walking practices, and recognize that students are responsible for their actions;
6. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
7. Communicate safety concerns to their school administrators;
8. Monitor bus stops, if possible;
9. Have their children to the bus stop five minutes before the bus arrives;
10. Have their children properly dressed for the weather; and
11. Have a plan in case the bus is late.

#### V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

Driver duties and responsibilities may be found in the driver handbook and in the Model School Bus Driver Training Manual (online).

#### VI. SCHOOL BUS DRIVER TRAINING

##### A. Training

1. All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction, before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. For purposes of this section, "annually" means at least once every 380 days from the initial or previous evaluation and at least once every 380 days from the initial or previous license verification. The school district shall retain on file an annual individual school bus driver "evaluation certification" form for each school district driver as contained in the Model School Bus Driver Training Manual.

**[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]**

2. All bus drivers operating a type III vehicle will be provided with annual training and certification as set forth in Section VII.C.1.b., below, by either the school district or the entity from whom such services are contracted by the school district.

##### B. Evaluation

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

1. Safely operate the type of school bus the driver will be driving;
2. Understand student behavior, including issues relating to students with disabilities;
3. Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
4. Know and understand relevant laws, rules of the road, and local school bus safety policies;
5. Handle emergency situations; and
6. Safely load and unload students.

The evaluation must include completion of an individual "school bus driver evaluation form" (road test evaluation) as contained in the Model School Bus Driver Training Manual.

**[Note: The school district may use alternative assessments rather than those set forth in the Model School Bus Driver Training Manual for bus driver training competencies with the approval of the Commissioner of Public Safety. A driver also may receive at least eight hours of school bus in-service training in any year as an alternative to being assessed for bus driver competencies after the initial year of being assessed for bus driver competencies.]**

#### VII. OPERATING RULES AND PROCEDURES

##### A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.
2. All routes shall be on file with the school district's school transportation safety director.

[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]

3. Only students assigned to the school bus by the school district shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
4. The parent/guardian may designate, pursuant to school district policy, a day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
5. Drivers are to enforce the provisions of the school bus and bus stop rules as appropriate. Students may be released from the bus at only two points, the designated bus stop or at school, except in case of an emergency or as otherwise authorized.
6. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
7. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to

avoid diesel fumes from being drawn into the systems.

[Note: A school district is not required to comply with Section VII.A.5. if the school board determines that alternative locations block traffic, impair student safety, or are not cost effective.]

8. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion. For purposes of this paragraph, "school bus" has the meaning given in Minn. Stat. § 169.011, Subd. 71. In addition, "school bus" also includes type III vehicles when driven by employees or agents of the school district. "Cellular phone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.
9. Students who misbehave severely may be returned to the school immediately and reported to the building principal or other designated individual.
10. There shall be no students in the bus while the fuel tank is being filled. On leaving the vehicle when students are in the bus, the driver shall stop the bus, remove the ignition key, set the brakes and otherwise render the bus immobile.
11. Buses shall not be run backwards on the school grounds or any other point if it can be avoided. If it is necessary to run a bus backwards on school grounds, the driver shall have another responsible person act as a guard flagman in back of the bus to keep other persons out of the path and to issue warnings to the driver of approaching traffic.
12. When arriving or leaving the school grounds, the driver must not follow closer than 50 feet from the vehicle directly in front of the bus or closer than 500 feet when traveling on the highway.
13. No school bus shall pull any trailer when students are being transported on regular routes to or from school.
14. In case of an accident or breakdown of the bus, the driver shall contact the dispatcher using the two-way radio. If no radio contact is available, the driver shall not leave the bus but shall send two responsible students to the nearest house to summon help.
15. The district may adopt such additional operating rules as are deemed necessary to meet local conditions and needs, provided they do not conflict with state laws and regulations.

**B. Use of Signals, Loading or Unloading**

1. The driver shall activate the flashing eight-light system of the bus at least 300 feet before stopping to load or unload students when outside an incorporated municipality, and 100 feet when operating within an incorporated municipality, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the roadway or highway are safely across.
2. Bring the vehicle to a complete stop in the right hand lane of the roadway parallel to the center line.
3. Prior to discharging students, open door, activate red flashing lights and extend the stop arm. Discharge students only after all traffic (front and rear) has come to a complete stop.
4. Keep door open and eight-light system operating until all students have been loaded or unloaded safely.
5. The driver should avoid loading or unloading students where the view is obstructed to other motorists for 200 feet in either direction.
6. The driver will bring the bus to a full stop and disengage gears by shifting gear shift lever into neutral position or selector into neutral or park position before loading or unloading students.

**C. Crossing Highways and Streets**

1. The driver shall be responsible for safely delivering the students who must cross the highway or street by one of the following methods:
  - a. Students shall pass approximately 10 feet in front of the school bus so as to be seen by the driver and cross the road only upon receiving a hand signal from the driver, or
  - b. The student shall pass approximately 10 feet in front of the bus so as to be seen by the driver and be conducted across the road by the school bus patrol, or
  - c. The driver shall personally conduct the students across the road after following required procedures for disabling the bus.
  - d. The driver shall visually ascertain that students getting off the bus who do not need to cross the road are a safe distance from the bus before moving the vehicle.

**D. Type III Vehicles**

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. A type III vehicle cannot be older than 12 years old unless excepted by state and federal law.
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
  - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
  - b. First aid kit and body fluids cleanup kit. A minimum of a ten-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.

- c. A type III vehicle must contain at least three red reflectorized triangle road warning devices. Liquid burning “pot type” flares are not allowed.
  - d. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
  12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.
  13. Students riding the type III vehicle must have training required under State Statute, see Section II.B. above.

**[Note: Additional Statutory and Type III Driver Training and Certification can be found online on the Minnesota Department of Public Safety State Patrol web page, the district website and at [www.revisor.mn.gov](http://www.revisor.mn.gov).]**

**E. Type A-I “Activity” Buses Driven by Employees with Class D Driver’s License**

1. The holder of a Class D driver’s license, without a school bus endorsement, may operate a type A-I school bus or a Multifunction School Activity Bus (MFSAB) under the following conditions:
  - a. The operator is an employee of the school district or an independent contractor with whom the school district contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
  - b. The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
  - c. The operator is prohibited from using the eight-light system if the vehicle is so equipped.
  - d. The operator has submitted to a background check and physical examination as required by State Statute.
  - e. The operator has a valid driver’s license and has not sustained a conviction of a disqualifying offense as set forth in State Statute.
  - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration’s “Guideline for the Safe Transportation of Pre-school Age Children in School Buses,” if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
  - g. The bus has a gross vehicle weight rating of 14,500 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
3. A school bus operated under this section must bear a current certificate of inspection.
4. The word “School” on the front and rear of the bus must be covered by a sign that reads “Activities” when the bus is being operated under authority of this section.

**VIII. SCHOOL DISTRICT EMERGENCY PROCEDURES**

- A. School Bus Drivers will be trained in proper procedures for the following events:
  1. Fire
  2. Injuries/Medical emergencies
  3. Tornado
  4. Evacuation.
  5. Accident
  6. Cold Weather Stop
  7. Dangerous Weapons
  8. Lights
  9. Getting Assistance
- B. If possible, school bus drivers or their supervisors shall call “911” or the local emergency phone number in the event of a serious emergency.
- C. School bus drivers shall meet the emergency training requirements contained in Unit III “Crash & Emergency Preparedness” of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).

**[Note: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]**

- D. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within one month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- E. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:
  1. the student’s name and address;
  2. the nature of the student’s disabilities;
  3. emergency health care information; and
  4. the names and telephone numbers of the student’s physician, parents, guardians, or custodians, and some person other than the student’s parents or custodians who can be contacted in case of an emergency.

**IX. SCHOOL DISTRICT VEHICLE MAINTENANCE STANDARDS**

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school district.
- B. All school vehicles shall be state inspected in accordance with legal requirements.
- C. A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school district’s record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- D. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

## **X. SCHOOL TRANSPORTATION SAFETY DIRECTOR**

The school board has designated an individual to serve as the school district's school transportation safety director. The school transportation safety director shall have day-to-day responsibility for student transportation safety, including transportation of non-public school children when provided by the school district. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required by State Statute. The transportation safety director also shall annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver's license of each employee who regularly transports students for the school district in a type A, B, C, or D school bus, type III vehicle, or MFSAB with the National Driver Register or the Department of Public Safety. Upon request of the school district superintendent or the superintendent of the school district where non-public students are transported, the school transportation safety director also shall certify to the superintendent that students have received school bus safety training in accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the school district office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

## **XI. STUDENT TRANSPORTATION SAFETY COMMITTEE**

The school board may establish a student transportation safety committee. The chair of the student transportation safety committee is the school district's school transportation safety director. The school board shall appoint the other members of the student transportation safety committee. Membership may include parents, school bus drivers, representatives of school bus companies, local law enforcement officials, other school district staff, and representatives from other units of local government.

**Legal References:** Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)  
Minn. Stat. § 123.7991 (Student with Disabilities-bus conduct)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. § 123B.42 (Textbooks; Individual Instructor or Cooperative Learning Material; Standard Tests)  
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)  
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)  
Minn. Stat. § 123B.90 (School Bus Safety Training)  
Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)  
Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)  
Minn. Stat. Ch. 169 (Traffic Regulations)  
Minn. Stat. § 169.011, Subds. 15 and 71 (Definitions)  
Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)  
Minn. Stat. § 169.446, Subd. 2 (Driver Training Programs)  
Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)  
Minn. Stat. § 169.454 (Type III Vehicle Standards)  
Minn. Stat. § 169.4582 (Reportable Offense on School Buses)  
Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)  
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)  
Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)  
Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)  
Minn. Stat. § 171.168 (Notification of Conviction for Violation by a Commercial Driver)  
Minn. Stat. § 171.169 (Notification of Suspension of License of Commercial Driver)  
Minn. Stat. § 171.321 (Qualifications of School Bus Driver)  
Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)  
Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)  
Minn. Stat. Ch. 245C (Human Services Background Studies)  
Minn. Stat. § 609.02 (Definitions)  
Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)  
49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)  
49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)  
49 C.F.R. § 383.5 (Transportation Definitions)

Policy adopted by Board on April 4, 2011

## **Student Identification Badge Policy**

### **I. PURPOSE**

The school board seeks to maintain a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

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

Students in district high schools will wear identification badges in school buildings during the day and on buses to and from school.

### **III. STUDENT LIMITATIONS**

An individual or group may be denied permission to attend a school or to board a school bus if the student(s) does not comply with the school district policy on wearing of student badges.

An individual or group who enters school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty or other consequences as outlined in the district discipline policy handbook.

**Legal References:** Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 609.605, Subd. 4 (Trespasses on School Property)

**Cross Reference:** Robbinsdale Area Schools Policy 506 (Student Discipline)

## 514 Bullying Prohibition Policy

### I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to ensure a healthy school climate. Bullying is conduct that interferes with students' ability to learn and teachers' 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, it is the school district's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline 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, and other similar disruptive 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 district property or at school-related functions. This policy applies not only to students and staff who directly engage in an act of bullying but also to students and staff who, by their indirect behavior, condone or support another person's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or social media network or other website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen 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, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with school district's policies and procedures. The school district may take into account the following factors:
  1. The developmental 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 positive behavioral interventions up to and including suspension and or expulsion. Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.
- G. The school district will act to investigate all complaints of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

### III. DEFINITIONS

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

- A. "Bullying" means any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to a student or a group of students and which substantially interferes with another student's or students' educational benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct by a student against another student or a group of students that a reasonable person under the circumstances knows or should know has the effect of:
  1. harming a student or a group of students;
  2. damaging a student's or a group of students' property;
  3. placing a student or a group of students in reasonable fear of harm to person or property;
  4. creating a hostile educational environment for a student or a group of students; or
  5. intimidating a student or a group of students.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "On school district property or at school-related functions" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

### IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to a school official. A person may report bullying anonymously. However, the school district's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving reports of bullying at the building level. Any person may report bullying directly to the Executive Director of Educational Services or the Executive Director of Human Resources. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Executive Director of Educational Services or the Executive Director of Human Resources.



- 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 receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.
- E. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- F. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

**V. SCHOOL DISTRICT ACTION**

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

**VI. REPRISAL**

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

**VII. TRAINING AND EDUCATION**

- A. The school district annually will provide information and any applicable training to school district staff regarding this policy.
- B. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable programs and initiatives to prevent bullying.
- C. The administration of the school district is directed to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.
- D. 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.

**VIII. NOTICE**

This policy shall appear in the student handbook. The school district will give annual notice of this policy to students, parents or guardians, and staff.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
 Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)  
 Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
 Minn. Stat. § 121A.69 (Hazing Policy)

Policy adopted by Board on June 20, 2011

## 417 Chemical Use and Abuse

### I. PURPOSE

The school 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 school 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 the school district 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, 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 this school district 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 working in collaboration with the school administration to address reports of chemical abuse problems and make recommendations for appropriate responses to the individual reported cases.
- D. The school district 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, toxic substances, and controlled substances as defined in the school district's 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 the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

### IV. STUDENTS

#### A. Instruction

1. Every school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. Each school shall have age-appropriate and developmentally based activities that:
  - a. address the consequences of violence and the illegal use of drugs, as appropriate;
  - b. promote a sense of individual responsibility;
  - c. teach students that most people do not illegally use drugs;
  - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
  - e. teach students about the dangers of emerging drugs;
  - f. engage students in the learning process; and
  - g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. Each school shall have activities that involve families, community members, 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.
4. Each school shall disseminate drug and violence prevention information within the school and to the community.
5. Each school shall provide professional development and training opportunities for school personnel in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
6. Each school shall have drug and violence prevention activities that may include the following:
  - a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
  - b. Collaborating with 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.
  - c. 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.
  - d. 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.
  - e. 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

1. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:
  - a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
  - b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.
  - d. 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 school board policies regarding search and seizure.

- e. The school district 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.
  - 2. If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
    - a. The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team 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 team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
    - b. 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 a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
  - 3. 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.
  - 4. Searches by school district officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.
- C. Preassessment Team
- 1. Every school shall have a chemical abuse preassessment team designated by the Executive Director of Educational Services. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
  - 2. The administration will collaborate with the team to address reports of chemical abuse problems and make recommendations for appropriate responses to the individual reported cases.
  - 3. 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
- 1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
  - 2. Destruction of Records
    - a. 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 the team about the student shall be destroyed not later than six (6) months after the determination is made.
    - b. If the 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 the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
    - c. 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 of Human Resources and Executive Director of Educational Services shall undertake and maintain a drug-free awareness and prevention program to inform employees, students and others about:
  - 1. The dangers and health risks of chemical abuse in the workplace/school.
  - 2. The school district's drug-free workplace/drug-free school policy.
  - 3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.
- B. The Executive Director of Human Resources 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 superintendent.

Legal References: Minn. Stat. § 13.32 (Educational Data)  
 Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)  
 Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
 Minn. Stat. § 138.163 (Records Management Act)  
 Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
 20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
 41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)  
 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Policy adopted by  
 the school board: October 17, 2011

## 419 Tobacco-Free Environment

### I. PURPOSE

- A. Robbinsdale Area Schools is committed to providing a safe and healthy learning and working environment for its students, staff and visitors. The district is acutely aware of the serious health risks associated with the use of tobacco products, both to users and non-users. The district recognizes that personnel and school visitors serve as role models to students and, therefore, adopts this Tobacco-Free Environment Policy to endorse the prevention of tobacco use and exposure.
- B. The district has a responsibility to comply with the Minnesota Clean Indoor Air Act and Minnesota law governing the prohibition of tobacco products in public schools.

### II. GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, 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 a school district 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 school district property and all off-campus events sponsored by the school district.
- 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 a school district owns, leases, rents, contracts for, or controls and 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 school district property and all off-campus events sponsored by the school district.
- C. The school district 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.

### IV. EXCEPTIONS

- A. A violation of this policy does not occur when an American Indian adult lights tobacco on school district property as a part of a traditional American Indian spiritual or cultural ceremony. An American 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 school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district 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 school district 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. Appropriate signs will be posted throughout the district at entrances and other appropriate locations on all district buildings, administrative spaces, and athletic fields indicating that tobacco use is not permitted. Students and families will be provided notice of this policy through student handbooks and district personnel will be provided notice of this policy through personnel handbooks.
- B. The school district will develop a method of discussing this policy with students and employees.

Legal References: Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685 (Sale of Tobacco to Children)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)  
Cross References: Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
Policy 506 (Student Discipline)  
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

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INDEPENDENT SCHOOL DISTRICT 281  
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