

007. STUDENTS

007.1 General Policies

007.11 Early Entrance to Kindergarten/Grade Advancement

I. GENERAL STATEMENT OF POLICY

The School District believes that grade-level advancement may be a valuable procedure for improving the match between selected students' capabilities and their academic programs. As a result, the School District has developed the following procedures for early entrance to kindergarten and grade advancement.

II. EARLY ENTRANCE TO KINDERGARTEN

- A. A child turning five (5) years old after September 1 of the calendar year in which the school year commences may be admitted to kindergarten early provided that the following conditions have been met:
 - 1. Parents/guardians submit a written request to the building principal by March 15 in the year of the proposed kindergarten entrance;
 - 2. A comprehensive assessment including, but not limited to academic, intelligence, social, and emotional measures, will be administered; and
 - 3. A team of teachers and the building principal review the results and recommend that the child is ready for kindergarten.
- B. If all conditions are met, the student will be enrolled on a probationary status for the first quarter of the school year.
- C. A final recommendation will be made by the student's kindergarten teacher upon completion of the first quarter.

III. GRADE ADVANCEMENT

- A. A student may be advanced a grade if it is determined that the grade advancement is in the best interest of the student. Grade advancement may occur provided that the following conditions have been met:
 - 1. Parents/guardians submit a written request to the building principal;
 - 2. A comprehensive assessment including, but not limited to academic, intelligence, social, and emotional measures, will be administered; and

3. A committee consisting of the parents/guardians, the student's teacher, the grade-level chair of the proposed grade of advancement, the school psychologist, and the principal recommend grade advancement.
- B. If all conditions are met, the building principal will make a final decision and will communicate that decision to the parents/guardians of the student.
- C. The parents/guardians may request that the principal's decision be reviewed by the Superintendent.

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12/04
05/14

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007.12 Promotion of Seventh and Eighth Grade Students

A. GENERAL STATEMENT OF POLICY

The Saint Peter Middle School believes that a successful transition from elementary to middle school must involve the student, staff, and family working together.

B. GRADING

Middle school grades are given each quarter. The grade for each quarter is determined by percentages with a final grade for quarter, semester, or yearlong courses determined by averaging percentages. A final project or test will be assigned during the final grading period for each course to help in determining final grades.

C. PARENT/GUARDIAN CONTACT

- I. Report cards are available on-line to parents, guardians, and students. Paper copies will be mailed per parent/guardian request. Academic progress reports are available on-line throughout the school year.
- II. Parent conferences will be held during each school year. The dates for parent conferences are noted in the school calendar.
- III. In cases when significant academic or social concerns arise, the school will convene a meeting with the student, parents/guardians and teachers to develop an improvement plan. The school's Student Support Team monitors progress on each student's improvement plan.
- IV. Parents will receive a mid-term notification from the school when a student is not passing a class.

D. ACCOUNTABILITY PLAN

Students are given numerous opportunities to achieve success in their middle school classes. In the Middle School, students will be expected to complete their work in a timely manner. If students struggle academically in their courses, the following action may be taken:

- I. Literacy Center/Math Resource Room (Assigned). During study hall times, students may be assigned to either of these resource rooms to receive time and

support for learning in a more structured environment.

II. Co-Curricular Ineligibility. Students who are not passing all their classes at mid-term and at the end of the quarter will be ineligible for participation in the school's co-curricular program based on guidelines set forth in the student handbook.

III. Summer School

1. Seventh grade students who earn two or more FINAL "F" grades in classes will be required to attend a three-week (60-hour) summer school session.
2. Eighth grade students who do not earn at least 24 credits will be required to complete a three-week (60-hour) basic skills/summer school course.

EIGHTH GRADE CREDIT REQUIREMENTS
45-minute classes meeting every day generate one (1) credit per quarter.
90-minute classes meeting every day generate two (2) credits per quarter.
45-minute classes meeting every other day generate one-half (.5) credits per quarter.
90-minute classes meeting every other day generate one (1) credit per quarter.

3. If a student fails to attend summer school, a meeting will be held with the student and the student's parents/guardians to establish an alternate learning plan. The plan may include retaking courses that were failed the previous year.

Reviewed: 12/99
12/04
05/14

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007.13 Physical Examinations

I. GENERAL STATEMENT OF POLICY

For the benefit of the individual student and the protection of other students and school personnel, it is the policy of the Saint Peter Public Schools to recommend periodic physical examinations of all students by a licensed healthcare provider. The selection of a licensed healthcare provider shall be made by the parents or guardians and the examination shall be at their expense.

II. RECOMMENDED/REQUIRED PHYSICAL EXAMINATIONS

- A. A physical examination is recommended for all students prior to entry into kindergarten.
- B. A physical examination is recommended for all students prior to entry into seventh grade.
- C. Physical examinations are required prior to participating in interscholastic activities.
 - 1. The first exam must occur prior to participating in activities in grades 7-9.
 - 2. The second exam must occur prior to participating in activities in grades 10-12.
- D. The school district supports following the child's healthcare provider's recommendation for physical examinations.

III. EXAMINATIONS

A student whose parents or guardians object to physical examinations on religious or constitutional grounds shall be exempted from such requirements if a statement signed by the student's parents or guardians requests the exemption and states the grounds for the request. A student age 18 or over whom objects to physical examinations on religious or constitutional grounds shall be exempted from such requirements by requesting the exemption and stating the grounds for the request in a written statement signed by the student. Exempting a student from the physical examination does not exempt the student from participating in the program of physical education. If such exemption is utilized, the student or parent/guardian (depending upon the student's age) shall furnish a written statement to the School

District verifying that either the student has no disabilities and can fully participate or, setting forth the disabilities and limitations of the student. These exemptions do not apply to activities governed by the Minnesota State High School League (MSHSL).

Reviewed: 12/99
12/04
05/14

007. STUDENTS

007.1 General Policies

007.14 Immunizations

I. GENERAL STATEMENT OF POLICY

As a consideration of enrollment, all students are required to provide proof of immunization or appropriate documentation exempting the student from such immunization.

II. STUDENT IMMUNIZATION REQUIREMENTS

- A. No student may be enrolled or remain enrolled on a full-time, part-time, or shared-time basis in any elementary or secondary school within the School District until the student or the student's parent or guardian has submitted:
1. A statement from a physician or a public clinic documenting that the student received the required schedule of immunizations required by law and/or has commenced a schedule of the remaining required immunizations;
 2. A statement requesting a waiver from a parent or guardian of a student or an emancipated student that may be substituted for the statement of a physician or public clinic that administers immunizations. If such a statement is substituted, this statement must indicate the month, and the year each immunization was administered; or
 3. A notarized statement requesting an exemption from immunization requirements as outlined in Section III-B of this policy.
- B. The parent or guardian of a child receiving instruction in a home school shall submit one of the statements set forth in Section II-A-1, II-A-2, or II-A-3, or a statement of exemption set forth in Section III, below, to the Superintendent or his/her designee by October 1 of each school year.
- C. When there is evidence of the presence of a serious communicable disease, or when required by any state or federal agency and/or state or federal law, students and/ or their parents or guardians may be required to submit such other health care data as is necessary to ensure that the student has received all necessary immunizations and/or is free of any serious communicable diseases. No student may be enrolled or remain enrolled in any elementary or secondary school within the School District until the student or the student's parent or guardian has submitted the required data.

- D. The School District may allow a student transferring into a school a maximum of 30 days to submit a statement specified in Section II-A-1, II-A-2, or II-A-3, or Section III below. Students who do not provide the appropriate proof of immunization or the required documentation related to an applicable exemption of the student from the required immunization within the specified time frames shall be excluded from school until such time as the appropriate proof of immunizations or exemption documentation has been provided.

III. EXEMPTIONS FROM IMMUNIZATION REQUIREMENTS

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

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

IV. NOTICE OF IMMUNIZATION REQUIREMENTS

- A. The School District will develop and implement a procedure to:
 - 1. notify parents or guardians and students of the immunization requirements and the consequences of failure to provide the required documentation;
 - 2. review student health records to determine whether the required information has been provided; and
 - 3. make reasonable arrangements to send a student home when the immunization requirements have not been met and advise the student and/or the student's parent or guardian of the conditions for re-enrollment.
- A. The notice provided shall contain written information describing the exemptions from immunization as permitted by law. The notice shall be in a font size at least equal to the font size and style as the immunization requirements and on the same page as the immunization requirements.

V. IMMUNIZATION RECORDS

- A. The School District will maintain a file containing the immunization records for each student in attendance at the School District for at least five years after the student attains the age of majority.
- B. Upon request, the School District may exchange immunization data with persons or agencies providing services on behalf of the student. Immunization data is private student data and disclosure of such data shall be governed by Policy 007.62.
- C. The designated School District administrator will assist a student and/or the student's parent or guardian in the transfer of the student's immunization file to the student's new school within 30 days of the student's transfer.
- D. Upon request of a public or private post-secondary educational institution, the designated School District administrator will assist in the transfer of the student's immunization file to the post-secondary educational institution.

VI. REPORTING

Within 60 days of the commencement of each new school term, the School District will forward a report to the Commissioner of the Department of Health stating the number of students attending each school in the School District, including the number of students receiving instruction in a home school, the number of students who have not been immunized, and the number of students who received an exemption.

Reviewed: 12/04
05/14

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007.1 General Policies
007.15 Communicable Diseases

I.GENERAL STATEMENT OF POLICY

It is the policy of the school district to adopt measures and guidelines to effectively respond to incidents of communicable disease affecting daily operations of the school district.

The policy provides a framework for the School District to meet the educational needs of all students, to protect the health and welfare of students and staff, and to provide educational programs in the most effective manner.

II.PROCEDURES/REQUIREMENTS

A. STUDENTS

1. It is the policy of the School District that students with serious communicable diseases not be excluded from attending school in their regular classrooms so long as such attendance does not create a substantial risk of the transmission of illness to students or employees of the School District.
2. Substantial risk will be determined by the School District in consultation with parent(s)/guardian(s) of the student, community health and private health care providers. Procedures for the inclusion or exclusion of students with serious communicable diseases will consider the educational and health implications for the student and others with whom the student comes in contact, as well as recommendations from agencies such as the county public health agency, the Minnesota Department of Health and the United States Public Health Services Center for Disease Control. Decisions will be made on a case-by-case basis.
3. Where infected children and youth pose more of a risk than others, the following procedure will apply. In these cases:

Contact will be made with the Minnesota Department of Health.

- a. A committee will be convened consisting of four permanent members and will include:
 - a state epidemiologist or designated representative

- a representative from Nicollet County Public Health
 - a physician with expertise in infectious diseases
 - a designated school nurse
- b. Other members of the committee will be specifically assigned for each student and will include:
- parent(s)/guardian(s) of the student(s)
 - student's personal physician
 - Superintendent
 - building level principal
 - designated teacher(s) for the student
4. Good hygiene practices must be used when handling blood or body fluids to prevent the spread of disease caused by blood borne pathogens. Annual blood borne pathogen training will occur for appropriate staff.
 5. As specified by state law, the individual's right to privacy must be respected, and strict confidentiality must be maintained.
 6. Routine screening of students is not recommended. Screening should not be a requirement for school entry.
 7. The school district encourages parents/guardians to notify the school district if their child has a serious communicable disease.

B. PERSONNEL

1. All employees who are infected with serious communicable diseases will continue their employment and regular assignments unless their health status deteriorates sufficiently to interfere with performance at work or their employment creates a substantial risk of the transmission of illness to students or employees of the School District.
2. As specified by state law, the individual's right to privacy must be respected, and strict confidentiality must be maintained.
3. Routine screening of employees is not recommended. Screening should not be a requirement for employment in the School District.

C. STAFF AND STUDENT EDUCATION

1. The Board of Education recognizes that the education of its residents, staff,

and students regarding the risks involved in the spread of chronic infectious diseases in the school setting will help to minimize the risk of transmission to other students and employees while protecting the rights of infected students and employees.

2. In-service will be provided in the area of blood borne pathogen training for employees identified to be at greater risk for exposure to blood.
3. Students in the K-12 educational program will receive instruction concerning the spread of communicable diseases. Curriculum will be reviewed and updated on a regular basis.

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007.1 General Policies

007.16 Emergency Care Policy

I. GENERAL STATEMENT OF POLICY

In the event of an emergency or serious illness, it is the policy of the School District to provide appropriate medical response and to contact the parent/guardian in a timely manner.

II. REQUIREMENTS

- A. In a life-threatening emergency, the school will contact emergency response personnel as soon as possible. The parent/guardian or designated emergency person will be contacted as soon as possible.
- B. If the situation is not life threatening, but the student requires urgent care and the school cannot contact a parent/guardian or designee, School District personnel will arrange to transport the student to the Rivers Edge Hospital for care. When parents/guardians arrive at the hospital, they will be able to change health care providers if they so desire. It is the responsibility of the parent/guardian to pay any incurred medical expenses.

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12/04
05/14

007. STUDENTS

007.1 General Policies

007.17 DNR-DNI Orders

I. PURPOSE

The school district recognizes that it is serving students with complex health needs. The school district also recognizes that school district staff may be requested to withhold emergency care of a student in the event of a life-threatening situation at school or school activities or be presented with do not attempt resuscitation (DNAR) orders. The purpose of this policy is to provide guidance to school district staff and parents or guardians in these situations.

II. GENERAL STATEMENT OF POLICY

- A. The primary mission of the school district is education. DNAR orders are medical documents. School district staff will not accept or honor requests to withhold emergency care or DNAR orders. The school district will not convey such orders to emergency medical personnel. Parents will be responsible for any such communication with EMS.
- B. School district staff will provide reasonable emergency care and assistance when a student is undergoing a medical emergency during school or school activities.
- C. School district staff will activate emergency medical services (911) as soon as possible when a student is undergoing a medical emergency during school or school activities.
- D. The parent/guardian will be notified of the emergency as soon as possible.
- E. Notwithstanding this school district policy, IEP and Section 504 teams must develop individualized medical emergency care plans for students when appropriate in accordance with state and federal law.
- F. Parents/guardians who request that emergency care be withheld for their child or who present DNAR orders, shall be advised of and shall be given a copy of this policy.

Reviewed: 12/99
12/04
05/14

007. STUDENTS

007.1 General Policies

007.18 Medication

I. GENERAL STATEMENT OF POLICY

The School District acknowledges that some students may require prescribed and/or non-prescribed medication during the day. Medication will be administered by the school nurse or her/his designee, such as a trained health assistant, a principal, or a teacher.

II. REQUIREMENTS

- A. Prescription and nonprescription medication requires a completed, signed authorization from the student's parent or guardian. The School District may rely on an oral request from the parent or guardian to administer medication for up to two school days, until a written authorization is received.
- B. Prescription and nonprescription medication must come to school in the original prescription container. A medication permission form must be completed annually and/or when a change in the prescription occurs.
- C. Prescribed medication that is to be taken in school requires a written order from the physician.
- D. Medications are generally not to be carried by the student. If an exception is to be made, there must be a written agreement between the School District and the parent/guardian. Medications will be left with the appropriate School District representative, except as noted in a written agreement between the School District and the parent/guardian. Students are allowed by Minnesota statute to carry inhalers for asthma and epi-pens for allergic reactions. It is the responsibility of the parent and the child that the medication is with the child at all times.
- E. Parents or guardians must notify the School District of any change in the student's medication or if the medication is no longer required. For medication dosage changes, the School District must receive written notification from the physician.
- F. For drugs or medicine used by children with a disability, administration of medicine may be provided as specified in the individual education plan (IEP).

G. The school nurse, or other designated person, shall be responsible for the filing of medication administration forms in the student's health record section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.

Reviewed: 12/99
12/04
05/14

007. STUDENTS

007.2 Student Conduct

007.21 Rules of Conduct

I. GENERAL STATEMENT OF POLICY

Disciplinary action may be taken against students for any behavior that disrupts good order, impedes the educational process, or violates the rights of others.

II. DISCIPLINARY ACTION

A. DISCIPLINARY ACTION may include but is not limited to:

1. Meeting with the teacher, counselor, or principal;
2. Detention;
3. Loss of school privileges;
4. Parental conference with school staff;
5. Modified school programs;
6. Removal from class;
7. Suspension;
8. Exclusion;
9. Expulsion; and
10. Reasonable restraint for self-protection or protection of others.

B. The principal may impose or recommend a longer suspension, expulsion, or any other discipline as appropriate on a case-by-case basis (i.e. school service or restitution). The principal may require that the student enter into a behavior contract.

C. When a student to be disciplined is receiving special education services, a review of the student's IEP will be conducted.

D. It is the policy of the School District to prohibit the use of corporal punishment. However, reasonable force may be used by a teacher or other members of the instructional, support, or school district staff upon or toward a student when necessary to restrain the student from self-injury or injury to any other person.

E. It is the policy of the School District to follow the Minnesota Pupil Fair Dismissal Act in the suspension, exclusion, and expulsion of students. The basic provisions of the Pupil Fair Dismissal Act shall be published in the Student Handbook and distributed to all students during the first month of the school year.

III. ACTIONS SUBJECT TO DISCIPLINE

A. Truancy and Unexcused Absences

1. As required by current law, regulations of the State Department and School Board Policy, students shall attend each day that school is in session. The authority to decide whether an absence is excused or unexcused rests with the principal. Students returning to school following an absence will be expected to complete all missed assignments in accordance with district policy and as stated in the Student-Parent Handbook.
2. Truancy is missing school or class without school permission.
3. When a student under 18 reaches three unexcused absences, the principal, or his/her designee, will notify the student's parents/guardians.
4. When a student reaches seven unexcused absences on seven different days, county and court/social services authorities will be notified.
5. Students under the age of eighteen will be classified habitual truants when absent for one or more class periods on seven or more school days if the student has not lawfully withdrawn from school.
6. If a student develops a pattern of tardiness to school or class, disciplinary action will be taken.

B. Crimes against Property

1. Vandalism: Damage to or destruction of school property or property of others **immediately adjacent to school grounds** by a student.
2. Theft: Theft is the act of intentionally and without claim of right taking, using, transferring, concealing, or retaining the possession of movable property of another without her/his consent and the intent to deprive the owner permanently of the property, or the finding of lost property and not making reasonable effort to find the owner.
3. Arson includes setting fires in the school building or on school grounds.

C. Physical Violence

Physical violence is conduct that intentionally inflicts or attempts to inflict bodily harm upon another.

D. Verbal Assault

Verbal assault is defined as abusive, threatening, profane, or obscene language, either oral or written. It includes conduct that degrades people because of their race, religion, ethnic background, or disability.

E. Gathering on Private Property

Students are not to congregate on private property adjoining the school grounds during the school day or during school events.

F. Alcohol, Drugs, Tobacco, **Electronic Tobacco Devices** and Other Dangerous and Harmful Substances and Articles

1. *Alcohol*: Students are prohibited from using, possessing, distributing, or being under the influence of alcoholic beverages at school, on school grounds, or at school-sponsored activities.
2. *Drugs*: Students are prohibited from using, possessing, distributing, or being under the influence of illegal drugs or narcotics at school, on school grounds, or at school-sponsored activities. Students may not possess drug paraphernalia at school, on school grounds, or at school-sponsored activities.
3. *Tobacco*: Students are prohibited from using, possessing, or distributing tobacco, **tobacco-related device, or electronic cigarette** at school, on school grounds, or at school-sponsored activities.
4. *Harmful or Nuisance Articles*: Students are prohibited from possessing or using articles that are illegal, that are nuisances, or that may cause harm to persons or property at school, on school grounds, and at school-sponsored activities.
5. *Lighters and Matches*: Students are prohibited from possessing lighters and matches in school, on school grounds, or at school-sponsored activities. Lighters or matches will be confiscated and a period of detention may be assigned

G. Weapons

1. "Weapon" means any firearm, whether loaded or unloaded, any device or instrument designed as a weapon or through its use is capable of threatening or producing great bodily harm or death, or any device or instrument that is used to threaten or cause bodily harm or death. "Weapon" includes, but is not limited to, guns (including BB and pellet guns, look-alike guns and non-functioning guns that could be used to threaten others), knives, clubs, metal knuckles (used in a threatening manner), numchucks, throwing stars, explosives, stun guns, ammunition, chains and chain wallets. **For a full listing of Category I and II weapons, please consult 7.24 Weapons Policy.**

2. "Possession" refers to having a weapon on one's person or in an area subject to one's control on school property or at a school-sponsored activity.
3. Possession of a weapon in school or on school grounds will result in confiscation of the weapon and referral to the police, and may result in an initial out-of-school suspension for five (5) days and a recommendation to the Superintendent of Schools that the student be expelled.
4. A student who finds a weapon on the way to school or in the school building and takes the weapon immediately to the principal's office shall not be considered in possession of a weapon.

H. Failure to Identify Oneself

Failure to provide proper identification upon request of staff member is prohibited.

I. Violation of local, state, or federal law

Violation of any local, state, or federal law is prohibited.

J. Sexual Harassment

It is School District policy to maintain a learning and working environment free from sexual harassment, sexual violence, and bullying.

Sexual harassment is a form of sex discrimination, which violates federal and state law. Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose.

It shall be a violation of this policy for any student or employee of the School District to sexually harass or to be sexually violent to a student or employee, or to bully a student or employee.

The School District will investigate all complaints, formal or informal, verbal or written, of sexual harassment, sexual violence, or bullying and will discipline any student or employee who sexually harasses, is sexually violent to a student or employee, or bullies a student or employee of the School District.

K. Trespassing

1. No person may be in any school building unless that person:
 - a. is an enrolled student of that building, a parent or guardian of an enrolled student, or an employee of the school or School District;
 - b. has reported to the school office or has permission or an invitation to be in the building; or

- c. is attending an event to which the public or the individual has been invited.
2. Visitors to the building must first report to the principal's office. Failure to report to the principal's office could result in a visitor being directed to leave the building. Further unauthorized presence in the building could result in the filing of TRESPASS CHARGES with the proper legal authorities.

L. Threats

Threats to normal school operations or school activities, including but not limited to the reporting of dangerous or hazardous situations that do not exist, are unacceptable and will result in school discipline and referral to the police.

M. Terroristic Threats

A terroristic threat is:

1. to threaten to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise cause serious public inconvenience, or in reckless disregard to the risk of causing such terror or inconvenience;
2. to communicate to another, with purpose to terrorize or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present.

Violators will be referred to local law enforcement agencies.

N. Disorderly Conduct

Disorderly conduct is conduct that will or tends to cause anger, alarm, or disturbance or provokes an assault or breach of the peace. Disorderly conduct includes, but is not limited to:

1. Engaging in brawling or fighting;
2. Disturbing an assembly or meeting not unlawful in its character; or
3. Engaging in offensive, obscene, or abusive language or in boisterous and noisy conduct intended to arouse alarm, anger, or cause resentment in others.

O. Other Unacceptable Behavior

1. Willful conduct which materially and substantially disrupts the rights of others to an education.
2. Willful conduct which endangers school district employees, the student or other students, or the property of the school.

3. Willful violation of any rule of conduct specified in this discipline policy.

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Adopted:	June 27, 1988
Reviewed:	February 2005
	May 2014

007. STUDENTS

007.2 Student Conduct

007.22 Possession, Sale, or Use of Drugs/Alcohol and Tobacco

I. GENERAL STATEMENT OF POLICY

Students are forbidden to knowingly or voluntarily possess, sell, use, or distribute illegal drugs/alcohol or tobacco on school grounds or at school-sponsored activities. School grounds include 300 feet surrounding any immediate school building.

II. PROCEDURES FOR TOBACCO OFFENSES

The procedure used for dealing with student tobacco offenses will be as follows:

- A. Notification of the parent guardian;
- B. Minors will automatically be referred to the police for charges to be filed when the student is found smoking or possessing tobacco, or when distributing tobacco in school or at school-sponsored activities.
- C. Students will be sent home for the remainder of the school day.
- D. Minnesota State High School League rules will apply to all tobacco-related violations. These consequences will be handled by the School District's Activities Director.
- E. The school nurse will be directed to meet with the student to discuss the health implications of tobacco use.
- F. The tobacco product will be confiscated.

III. PROCEDURES FOR DRUG/ALCOHOL OFFENSES

The procedure used for dealing with student drug/alcohol offenses will be as follows:

- A. Notification of the parent/guardian;
- B. Students will automatically be referred to the police for charges to be filed when the student voluntarily possesses, sells, uses, or distributes illegal drugs/alcohol on school grounds;
- C. An administrative hearing will be held with the student, which will include:

1. An initial suspension from school for up to five days; and
 2. Consideration of whether a recommendation should be made to the Superintendent to expel the student.
- D. The School District Activities Director will apply all Minnesota State High School League Rules;
- E. A School District social worker or counselor will be directed to meet with the student to discuss the health implications of drug/alcohol use; and
- F. All illegal drugs/alcohol will be confiscated.

First Reading: April 25, 1995
Approved: May 11, 1995
Reviewed: February 2005
May 2014

007. STUDENTS
007.2 Student Conduct
007.23 Assault

I. GENERAL STATEMENT OF POLICY

Students are forbidden to threaten bodily harm or death to other persons. While on school grounds or at school activities, students are forbidden to engage in fighting with another person or persons.

II. ASSAULT OR FIGHTING

Assault or fighting consists of aggressive, violent behavior by two or more individuals with the intent of inflicting physical harm upon one another and shall be differentiated from poking, pushing, shoving, or scuffling. The disciplinary procedure for fighting will include:

- A. Notification of parent/guardian; and
- B. An administrative hearing held with the student, which may result in:
 - 1. Assignment of after-school detention;
 - 2. Assignment of in-school detention;
 - 2. Suspension from school for up to five days; and/or
 - 3. Involvement of police.

III. VERBAL ASSAULT

Verbal assault shall be defined as abusive, threatening, profane, or obscene language, either oral or written. It includes conduct that degrades people because of their race, religion, ethnic background, or physical or mental disability. The disciplinary procedure for verbal assault (threats) will include:

- A. Notification of parent/guardian; and
- B. An administrative hearing held with the student, which may include:
 - 1. Assignment of after-school detention;
 - 1. Assignment of in-school detention;
 - 2. Suspension from school for up to five days; and/or
 - 3. Involvement of police.

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Adopted: May 11, 1995
Reviewed: December 1999, February 2005, May 2014

007. STUDENTS

007.2 Student Conduct

007.24 Weapons

I. GENERAL STATEMENT OF POLICY

The School District has a no-tolerance policy regarding weapons. Weapons include all Category I and Category II weapons as defined below. All weapons or instruments that have the appearance of a weapon are prohibited within all school environments and the school zone. Exception can be made for educational purposes and must be authorized in advance by the building principal or designee. Anyone possessing a weapon in any school environment or school zone before, during, or after school hours is subject to administrative and/or legal action.

II. SCHOOL ENVIRONMENTS/SCHOOL ZONE

School environments include, but are not limited to, district-owned buildings and properties as well as leased or rented facilities, field trips, rented or owned school vehicles and school buses, and school bus stops. The school zone includes all areas within 300 feet of school property.

III. POSSESSION

Students, non-students, employees, and other adults, are forbidden to knowingly or voluntarily possess on their person, store in any area subject to one's control, handle, transmit, or use any instrument that is considered a weapon or a "look-alike" weapon in a school environment or zone.

IV. REPORTING

Students or staff who see or become aware of a weapon in a school environment or zone must not touch it or remain in the presence of a person or group possessing a weapon. Students must notify an adult immediately. Staff must notify the principal immediately.

V. CATEGORY I VIOLATIONS

A. Category I weapons include:

1. All firearms, whether loaded or unloaded;
2. Other guns of all types, including pellet, B-B, stun, look-alike, and non-functioning guns that could be used to threaten others;

3. Knives, switch blades or automatically opening blades, daggers, swords, razors;
4. Artificial knuckles or other objects designed to be worn over the fist or knuckles;
5. Blackjacks, clubs, numchucks, or throwing stars;
6. Explosives;
7. Poisons, chemicals, or substances capable of causing bodily harm;
8. Bow and arrows or sling shots; and
9. Any other device or instrument used to intimidate, threaten, or inflict harm.

B. Category I Weapon Violations by Students

The procedure for all Category I weapon violations is:

1. Confiscation of the weapon;
2. Notification of the Superintendent or designees;
3. An administrative hearing with the student that will include:
 - a. Notification of parent/guardian;
 - b. Initial suspension from school for up to five days; and
 - c. Immediate notification of police.
4. Recommendation to the superintendent of dismissal for a period of time not to exceed one year.
5. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The Board of Education may modify this requirement on a case-by-case basis.

C. Category I Violation by Other Youths or Adults, Including Employees

1. The police will be contacted when any person, other than a student, violates

this policy. School District employees will also be subject to District disciplinary action.

VI. CATEGORY II VIOLATIONS

A. Category II Weapons

The School District recognizes that some objects are questionable regarding whether they are weapons and whether the presence of the object requires activation and enforcement of this policy. Principals and other District employees shall use discretion when determining whether the object constitutes a weapon. Such objects may include, but are not limited to:

1. Small pocketknives or razor blades;
2. Fireworks, fire crackers, or smoke bombs;
3. Throwing darts;
4. Nuisance items or toys;
5. Unauthorized tools; and
6. Mace.

B. Category II Weapon Violation by Students

The procedure for Category II weapon violations is:

1. Confiscation of the weapon;
2. Notification of parent/guardian;
3. An administrative hearing with the student, which may include:
 - a. Initial suspension from school for up to five days;
 - b. Recommendation to the Superintendent regarding dismissal for a period of time not to extend one (1) year; and
 - c. Notification of police.

C. Category II Weapon Violations by Other Youths and Adults, Including Employees

1. The police will be contacted when any person, other than a student, violates this policy. School District employees will also be subject to District disciplinary action.

VIII. ADMINISTRATIVE DISCRETION REGARDING POSSESSION

- A. A student who finds a weapon on the way to school, on school property, or in the school building and takes the weapon to the principal's office shall not be considered in possession of a weapon.
 - a. On very rare occasions, a weapon is inadvertently brought onto school property or is in one's possession. If such an occasion is clearly the case, the building principal, after a thorough investigation, may use discretion in determining the appropriateness of applying "Category II" consequences for a "Category I" violation (other than fire arms).

IX. AUTHORIZED INSTRUMENTAL AND WORK-RELATED EQUIPMENT AND TOOLS

This policy is not meant to interfere with instruction in use of appropriate equipment and tools by employees and students. Such equipment, when properly used and stored, shall not be considered a weapon for purposes of this policy. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, the guidelines and consequences of this policy will take effect.

X. EXCEPTIONS

- A. This policy provides for the following exceptions:
 1. Licensed peace officers, military personnel, or students participating in military training who are performing duties;
 2. School-District approved firearm safety courses or similar activities conducted on school property;
 3. School-District approved possession and use of dangerous weapons by ceremonial color guard;
 4. School-District approved possession and use of starter guns for athletic contests; and
 5. Possession of dangerous weapons with prior written permission of the building principal.

B. Students with Disabilities

1. All students, regardless of disability, will be suspended from school for one to five days, pending further investigation of a weapons policy violation.
2. If the alleged violator is a student with a disability pursuant to Minnesota and federal law, special due process procedures will be implemented. Within five days of a suspension, a team meeting shall occur. The team shall determine whether the weapons policy violation is related to the disability.
3. If the team determines that the misconduct is unrelated to the student's disability, the student will be disciplined in the same manner as students without disabilities. The disabled student who violates this weapons policy will not be expelled if the assessment team determines that the misconduct is related to the student's disability.
4. If the violation resulted from the student's disability and the student commits a second violation, the District may expel the student in the event that that student's parents/guardians do not consent to a more restrictive placement.

First Reading: December 8, 1994

Adopted: January 12, 1995

Reviewed: December 1999, February 2005, November 2010, May 2014

007. STUDENTS

007.2 Student Conduct

007.25 Removal from Class

I. REMOVAL FROM CLASS

A. Definition

Removal from class is the short-term exclusion of a student from a class. The school retains custody of and responsibility for the student in the event of removal.

B. Conditions of Removal

Students shall be removed from a class only upon the agreement of the appropriate teacher and the principals and upon an informal administrative conference with the student. The terms of the removal shall be established at the informal administrative conference; the terms may include completion of class work that is missed. Removal may be imposed without an informal administrative conference when an immediate and substantial danger exists to the student, to other persons, or to property.

C. Return to Class

The length of a removal shall be at the principal's discretion upon consultation with the teacher. A removal from class shall not exceed five consecutive class periods. Students shall be returned to class upon completion of the terms of the removal.

D. Disabled Students; Special Provisions

The length of a removal shall be at the principal's discretion upon consultation with the teacher. Consideration of whether there is a need for a review of the adequacy of the current Individual Education Program (IEP) shall be a part of the decision-making process of the principal.

II. OUT-OF-SCHOOL SUSPENSION

A. Definition:

An out-of-school suspension is the short-term exclusion of the student from school. The school is relieved of custody of and responsibility for the student.

B. Procedure:

Suspension, exclusion, and expulsion shall be implemented in accordance with the Pupil Fair Dismissal Act.

First Reading: May 17, 1988
Adopted: June 27, 1988
Reviewed: December 1999
February 2005
May 2014

007. STUDENTS

007.2 Student Conduct

007.26 Notification of Students and Parents/Guardians

This policy together with the Pupil Fair Dismissal Act shall be published in the Student Handbook and distributed to all students during the first month of the school year. Nothing in this policy is intended to conflict with The Pupil Fair Dismissal.

Students are responsible for knowing all school rules and regulations as stated in their respective handbooks.

A written notice of a violation of the rules of conduct and resulting disciplinary action shall be given to parents/guardians in person, by electronic means or by first-class mail, except as provided otherwise by the Pupil Fair Dismissal Act. Students shall be notified verbally of violations of the rules of conduct and resulting disciplinary actions except as provided otherwise by the Pupil Fair Dismissal Act. Reasonable effort will be made to notify the parent(s)/guardian(s) on the day of the incident of a violation of the rules of conduct.

First Reading: May 17, 1988
Adopted: June 27, 1988
Reviewed: December 1999
February 2002
February 2005
May 2014

007. STUDENTS

007.2

Student Conduct

007.27 MSHSL Rules and Regulations

I. RIGHTS AND RESPONSIBILITIES FOR STUDENTS WHO PARTICIPATE IN MINNESOTA STATE HIGH SCHOOL LEAGUE-SPONSORED ACTIVITIES

- A. Students who participate in Minnesota State High School League activities must abide by the guidelines as published in the Minnesota State High School League eligibility information bulletin in the area of athletics, speech, and music. Students will not be permitted to begin participation until the eligibility bulletin is signed by the parents/guardians and the student.
- B. Students must attend an information session prior to the beginning of the season that addresses rules and the regulations of participation, including the consequences for the use or possession of mood altering chemicals. Although not mandatory, parents/guardians are expected to attend these meetings with their students.
- C. The parent/guardian, by signing the bulletin, agrees to work with the school in monitoring the behavior of their student as it relates to violations of Minnesota State High School League Rules and Regulations.

II. RULES FOR PARTICIPATION

Students who participate in Minnesota State High School League activities shall not, at any time, regardless of the quantity:

- A. use, consume, possess, buy, sell, or give away a beverage containing alcohol;
- B. use, consume, possess, buy, sell, or give away tobacco;
- C. use, consume, possess, buy, sell, or give away any other controlled substance (it is not a violation for a student to possess a controlled substance specifically prescribed for the student's own use by her/his doctor); or
- D. Use, consume, possess, buy, sell, or give away drug paraphernalia

III. PENALTIES FOR CATEGORY I ACTIVITIES

- A. Category I activities at Saint Peter High School include athletic and speech activities.

B. Violations

1. First Violation

Penalty: after confirmation of the first violation, the student shall lose eligibility for the next two (2) consecutive interscholastic contests or two (2) weeks of a season in which the student is a participant, whichever is greater. No exception is permitted for a student who becomes a participant in a treatment program.

2. Second Violation

Penalty: after confirmation of the second violation, the student shall lose eligibility for the next six (6) consecutive interscholastic contests or four (4) weeks, whichever is greater, in which the student is a participant. No exception is permitted for a student who becomes a participant in a treatment program.

3. Third and Subsequent Violations

Penalty: after confirmation of the third or subsequent violations, the student shall lose eligibility for the next twelve (12) consecutive interscholastic contests or six (6) weeks, whichever is greater, in which the student is a participant.

If after the third or subsequent violations, the student on her/his own volition becomes a participant in a chemical dependency program or treatment program, the student may be certified for reinstatement in MSHSL activities after a minimum period of six (6) weeks. Only the director or a counselor of a chemical dependency treatment center may issue such certification.

Successful completion of a chemical dependency treatment program will satisfy only the most recent violation. Any other violations for which the penalty has not been satisfied must still be served in full.

D. Penalties are Cumulative

Penalties shall be cumulative beginning with and throughout the student's participation on any 7-12 grade team or activity.

E. Captaincy

A student shall be disqualified to be a captain of a team if the student serves a penalty during the season of participation in which he/she is serving as

captain.

IV. PENALTIES FOR CATEGORY II FINE ART ACTIVITIES

A. Category II at Saint Peter High School

In Saint Peter High School, the drama activity of one-act plays and sectional music contests are classified as Category II activities. Pep band is not a Category II activity.

B. Violations

After confirmation of the violation, the student shall lose eligibility for the next regularly scheduled event for which the student is eligible. Penalties shall be cumulative beginning with and throughout the student's participation in a high school activity. Serving a Category II suspension does not fulfill a Category I suspension. Serving a Category I suspension does not fulfill a Category II suspension.

V. GUIDELINES FOR COMPLIANCE WITH MINNESOTA STATE HIGH SCHOOL LEAGUE RULES AND REGULATIONS

- A. Any and all reported violations of Minnesota State High School League rules and regulations must be reported to the athletic director or building principal. Coaches, directors, or advisors cannot declare a participant ineligible. Coaches, directors, or advisors are directed to inform people who report violations to them to take their allegations to the athletic director or building principal.
- B. Participation in co-curricular activities cannot be denied to an eligible student by a coach, director, or advisor.
- C. A coach, director, or advisor who directly witnesses a violation or who has a confession of a violation given to him/her is directed to report such an incident to the athletic director or building level principal.
- D. Coaches, directors, and advisors are expected to know the school policies regarding the evaluation and suspicion of chemical abuse problems.
- E. Coaches, directors, and advisors are expected to act according to their professional judgment at all times.

VI. SAINT PETER HIGH SCHOOL REVIEW PROCEDURE

In addition to the rules and regulations as stated in the High School League eligibility information bulletins, District 508 adopts the following provision as a review procedure for individual student participation.

- A. In the event a serious problem arises in the area of academic achievement, behavior, attendance, or citizenship, a staff member may make a request to the principal that the student's participation in that co-curricular activity be reviewed.
- B. Upon receipt of this request by a staff member, the principal will call together a guidance counselor, the staff member who made the request, and the director and/or the coach of the co-curricular activity in which the student is involved. The student may be present, with a support person that he/she chooses; and
- C. Following a review of the case, this group will make a recommendation to the high school principal in regard to the continued participation of the student in the co-curricular activity in which he/she is involved.

VII. SAINT PETER HIGH SCHOOL STANDARDS OF BEHAVIOR

Students from Saint Peter High School who participate in the regular activities sponsored by Minnesota State High School League are also expected to follow the standards of behavior listed below. Although the standards listed below do not carry a pre-determined ineligibility penalty, the Board of Education, staff and administration of District 508 believe that students who wish to represent Saint Peter High School have an obligation to meet the standards listed below:

- A. Students are not to involve themselves in behavior that could lead to a criminal charge or court action. Students who are convicted of such a charge during a season of play will have their participation reviewed under the policy stated above; and
- B. Students are not to involve themselves in activities that result in vandalism to Saint Peter High School or any other school that Saint Peter competes against. Students who are involved in vandalism of Saint Peter High School or any other high school in which Saint Peter competes against will have their participation reviewed under the policy stated above.

First Reading: October 9, 2003
Adopted: November 6, 2003
Revised: April 2005
 May 2014

007. STUDENTS

007.2 Student Conduct

007.28 Fund Raising Efforts and Projects

I. PURPOSE

The purpose of this policy is to address student fund-raising efforts.

II. GENERAL STATEMENT OF POLICY

The School District believes that only those projects that are fiscally necessary to provide funds for an identifiable purpose shall be approved by the school administrative team. The School District believes that these projects shall reflect positively upon the community relationship with the School District.

III. STATEMENT OF POLICY

- a. It shall be the responsibility of building administrators to develop an annual plan for fund raising and to report the plan to the Superintendent.
- b. No student shall participate in a fund-raising project until the project has been reviewed and approved by the administrative team.
- c. No fund-raising project by an outside vendor shall be approved until the project content and goals shall have been approved by the administrative team.
- d. No fund-raising project shall promote, distribute, or sell any product that works against the goals of the Student Wellness policy.
- e. The School District expects all students who participate in approved fund raising activities to represent the school, the student organization, and the community in a responsible manner.
- f. The School District expects all employees who plan, supervise, coordinate, or participate in student fund-raising activities to act in the best interests of students and to represent the school and the community in a responsible manner.

IV. STATEMENT OF ACTIONS

- a. Any employee of the School District who has knowledge of a fund-raising project, which has not received written approval from the Superintendent's

office, shall notify their building principal. The school administration and/or the superintendent may request a restraining order or order of estoppels against the company or organization that has not received written approval.

- b. The Superintendent's Office shall issue a news release and or communication to the area media in the event such an unauthorized project has begun to be promoted to area businesses and persons.
- c. The Superintendent shall ensure that annual fund-raising plans are shared with the Board of Education and the public.

First Reading: April 10, 2008
Adopted: May 8, 2008
Reviewed: May 2014

007. STUDENTS

007.2 Student Conduct

007.28 Fund-Raising Efforts and Projects

007.281 Administrative Rules and Regulations

ADMINISTRATIVE RULES FOR FUND RAISING

A. General Fund Raising Guidelines

1. Students shall not be assigned to fundraising activities.
2. Participation in all fund-raising activities should be strictly voluntary.
3. Contributions on the part of students, school employees, parents, or other patrons should likewise be voluntary, without coercion, and without peer or group pressure.
4. In no instance, shall participation in, or support for, a fund-raising project be used to determine a student's grade or his or her eligibility for participation in school-related programs or activities.
5. All fund raising shall be for predetermined and approved purposes and spent only for those purposes.
6. Any outside group must have principal or superintendent approval before conducting fund-raising activities within a school or schools or through school-sponsored activities. Application for approval must include:
 - a. The sponsoring group;
 - b. The proposed activity;
 - c. The manner in which the money is to be collected and disbursed; and
 - d. The purpose of the activity.
7. Funds must be receipted and expended through district or school accounts in accordance with standard accounting procedures. Parent, booster, or association fund-raising activities are subject to accounting procedures established by those organizations. The superintendent or principal may request a copy of such accounting procedures.

B. Elementary School Fund Raising

1. Fund raising will be allowed in each elementary school to raise funds for

identified school projects. A specific school project must be identified prior to raising funds.

2. A school's parent organization, with the approval of the building principal, may sponsor a fundraiser if necessary to support that organization's programs.
3. Elementary students will not be involved in door-to-door soliciting of any kind outside of the solicitation of their own family members.

C. Secondary School Fund Raising

1. Fund raising will be allowed in the secondary school to raise funds for identified school projects. A specific school project must be identified prior to raising funds.
2. The middle/high school may conduct community fundraisers if the school group or organization wishing to conduct the fundraiser presents their proposal to, and receives prior approval from, the school principal at least 30 days in advance of the fund-raising activity.
3. Fund-raising activities will not replace or supplant scheduled practices or events.

D. Management of Funds

1. Accounting procedures should follow district-wide regulations for internal financial controls and recommendations of the school district auditors.
2. The principal of the school, or his designated representative, shall be responsible for carrying out the Administrative Rules and Regulations pertaining to the handling of accounting for student funds.
3. The district business office shall maintain a continuing audit of these funds.

Reviewed: May 2014

007. STUDENTS

007.3 Transportation

007.30 General Rules

I. STUDENT CONDUCT

Riding the school bus is a privilege, not a right. 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.

Consequences for school bus/bus stop misconduct will be administered by the building principal or the principal's designee. In addition, all school bus/bus stop misconduct will be reported to the District's Transportation Safety Director. Serious misconduct will be reported to the Department of Public Safety and may be reported to local law enforcement.

II. SCHOOL TRANSPORTATION SAFETY DIRECTOR

The School Board has designated an individual to serve as the School District's School Transportation Safety Director. The name, address, and telephone number of the School Transportation Safety Director are on file in the School District office. The School Transportation Safety Director shall: (1) have day-to-day responsibility for student transportation safety, including transportation of nonpublic school children when provided by the School District; (2) certify annually to the School Board that each school bus driver meets the school bus driver training competencies; (3) 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 or Type III vehicle with the National Driver's Register or the Department of Public Safety; and (4) confirm annually to the Superintendent that students have received school bus safety training in accordance with state law. The School Transportation Safety Director will assure that this policy is periodically reviewed to ensure that it conforms to law. Any questions regarding student transportation or this policy may be addressed to the School Transportation Safety Director.

III. VEHICLE MAINTENANCE STANDARDS

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program.
- B. All school vehicles shall be state inspected in accordance with legal

requirements.

First Reading: 08/19/99
Adopted: 09/09/99

Reviewed: 12/99
11/03
04/05
05/14

007. STUDENTS

007.3 Transportation

007.31 Transportation Services

I. Transportation for Students Attending School within the School District Boundaries

The School District, through its Board of Directors, shall provide transportation of one round trip daily to and from a school within the School District boundaries for all elementary and secondary school children who desire transportation and who reside one mile or more in walking distance from the public school which they attended. Transportation may be provided within one (1) mile when a roadway has been declared a hazardous crossing by the school district.

II. Transportation of Students Attending Private School Outside School District Boundaries

If an elementary or secondary school student resides one mile or more in walking distance from the nonpublic school outside the School District boundary, the School District shall arrange transportation to the School District boundary even if that distance is less than one (1) mile. In providing this transportation, the School District shall at its discretion either:

- A. Provide bus transportation;
- B. Reimburse private vehicle use at the existing rate of mileage reimbursement; or
- C. Negotiate a flat fee for reimbursement.

III. Walking Distance

Walking distance shall be defined as the shortest distance by public walkway, street, or highway to the assigned entrance of the school.

Reviewed: 12/99
04/05
05/14

007. STUDENTS

007.3 Transportation

**007.32 Transportation of Open Enrollment and Agreement
Between School Students**

The School District welcomes open enrollment students and other non-resident students.

The School District may agree to transport students who live outside the district's boundaries if the following conditions exist:

1. The parents/guardians making the request must receive permission from their home school district through an agreement between the schools or must have met the deadlines for open enrollment;
2. A written request is submitted to the Superintendent's office in Saint Peter;
3. The distance from the student's residence to the school district's boundaries is reasonable;
4. The additional time to an existing bus route is not unreasonable; and
5. The additional cost to the School District for this transportation does not exceed a reasonable amount.

If the Superintendent determines that the above conditions have been met, the District's Transportation Director will inform the requesting parents/guardians and the bus contractor. The Transportation Director will inform the home district of the decision.

First Reading: 8/17/00

Adopted: 9/14/00

Reviewed: 12/99

04/05

05/14

007. STUDENTS

007.3 Transportation

007.33 Bus Transportation for All School/Co-Curricular Activities

I. Transportation to and from Activities

- A. All students will ride school-provided transportation to and from school events. An exception may be made, at the school employee's discretion, if a student is turned over directly to a parent/guardian who submits a written request.
- B. Students will be dropped off only at the school after events. Students will not be dropped off at their homes or any other location for any reason.

II. Use of School Buses

A. General Rule

The School District uses school buses as transportation for all co-curricular activities.

B. Exceptions

1. Bus coaches may be substituted for school buses during the summer months if requested by the building level principal.
2. Bus coaches may be used for transportation to and from state tournaments by those students who directly participate in the tournament. The request must be made by the coach of the activity or the director of activities and approved by the principal.
3. A coach, director, or teacher may make a request in writing to the building level principal that a bus coach be substituted for a school bus for any particular activity. The principal, at his or her discretion, may substitute a bus coach for a school bus. The decision should be based upon the number of students being transported, the distance to the activity, the type of equipment that will accompany the group and other factors that may affect the safety of the students.
4. Other school-provided transportation may be used for school events, when appropriate.

04/05
05/14

007.0 STUDENTS

007.3

Transportation

007.34 Video Recording on School Buses

I. PURPOSE

The School District authorizes the use of video recording on school buses to encourage good behavior and to promote the safe transportation of students by the District.

II. GENERAL STATEMENT OF POLICY

A. Placement

1. Each school bus owned, leased, contracted, and/or operated by the school district may be equipped with a fully operational video camera and conspicuously placed signs notifying riders that their conversations or actions may be recorded.
2. Video cameras will be placed on school buses at the direction and discretion of the school district.

B. Use of Video Recordings

1. A video recording of the actions of student passengers may be used by the school district as evidence in any disciplinary action brought against any student arising out of the student's conduct on the bus.
2. A video recording of the actions on a school bus may also be used to investigate any complaints about any activity on the school bus.
3. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act, or the School District policy on directory information.
4. Video recordings may be viewed on a random basis and/or when discipline problems or complaints about activity on the bus have been brought to the attention of the school district.

5. A video recording may be retained by the school district for up to one (1) year or until the conclusion of disciplinary proceedings in which the video recording is used for evidence.
6. All video recordings will be the property of the school district and will only be viewed by school district personnel or their designee.

Previous Policy: 007.34 Use of Video Equipment on School Buses: 12/99 and 04/04
First Reading: March 19, 2012
Adopted: April 16, 2012
Reviewed: May 2014

007. STUDENTS

007.3 Transportation

007.35 Student Transportation Safety Policy

I. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING

A. SCHOOL BUS SAFETY WEEK

The first week of school is designated as school bus safety week. Student school bus safety training shall commence during school bus safety week.

B. STUDENT TRAINING

The School District shall provide students enrolled in grades kindergarten through 10 with school bus safety training. The training shall consist of both classroom instruction and practical training using a school bus. Upon completing the training, a student shall demonstrate knowledge and understanding the following competencies and concepts:

1. transportation by school bus is a privilege, not a right;
2. district policies for student conduct and school bus safety;
3. appropriate conduct while on the bus;
4. the danger zones surrounding a school bus;
5. procedures for safely boarding and leaving a school bus;
6. procedures for safe vehicle lane crossing;
7. school bus evacuation and other emergency procedures; and
8. operating a motor vehicle in the vicinity of a school bus (grades 9 and 10 only).

All students who are transported by school bus and are enrolled during the first week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. 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 by the end of the sixth week of school, if they did not receive school bus training in grades K-6. 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. The School District must provide bus safety training to students enrolled in grades K through 3 twice during the school year. The School District may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability.

The School District will make reasonable accommodations in training students known to speak English as a second language and student with disabilities.

The School District will also provide student safety education for bicycling and pedestrian safety for students enrolled in kindergarten through grade 5.

The School District's curriculum for transportation is maintained and available for review in the office of the superintendent.

Reviewed: 12/99
04/05
05/14

007. STUDENTS

007.3 Transportation

007.36 School Bus Conduct

I. 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. 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.

II. RULES AT THE BUS STOP

- A. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus 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, harassing, intimidating, or horse playing.
- J. No use of alcohol, tobacco, or drugs.

III. RULES ON THE BUS

- A. Follow the driver's directions right away.
- 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, horseplay, or bullying.
- G. Do not throw any object.
- H. No eating, drinking, or use of tobacco or drugs.
- I. Do not bring any weapon or dangerous objects on the school bus.
- J. Do not damage the school bus.

III. CONSEQUENCES

Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's privilege to ride the bus in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be in the sole discretion of the school district. Parents or guardians will be notified of any suspension of bus privileges.

A. Discipline

1. The first time a student violates any of the rules of the bus, the student responsible will be warned, his or her parents/guardians will be notified, and the student may face in-school detention.
2. The second time an incident occurs, the parents/guardians of the student will be notified. The student may face in-school detention or removal from the bus for up to five days.
3. The third time an incident occurs, the student responsible will be removed from the bus for five or more days, and his or her parents/guardians will be notified.
4. The fourth time an incident occurs, the student responsible may be removed from the bus for the remainder of the year.
5. Any infraction serious enough in nature may be cause for immediate removal from the bus.

B. Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of serious misconduct will be provided to the Department of Public Safety. Records may also be maintained in the transportation office.

C. Vandalism/Bus Damage

Students damaging school buses will be held responsible for the damages. Failure to pay for repairs (or make arrangements to pay) within two weeks may result in the loss of bus privileges until damages are paid.

D. Notice

Students will be given a copy of school bus and bus stop rules during the school bus safety training. Rules are to be posted on each bus and both rules and consequences will be periodically reviewed with students by the driver.

E. Criminal Conduct

In cases involving criminal conduct (assault, weapons, possession, or vandalism), the Superintendent, local law enforcement officials, and the Department of Public Safety will be informed.

Reviewed: 12/99
04/05
05/14

007. STUDENTS

007.3 Transportation

007.37 Parent/Guardian-School Partnership

I. PARENT AND GUARDIAN NOTIFICATION

A copy of the school district school bus and bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls during the school year. Parents and guardians are asked to review the rules with their students.

II. PARENT/GUARDIAN RESPONSIBILITIES FOR TRANSPORTATION SAFETY

- A. Become familiar with district rules, policies, regulations, and principles of school bus safety.
- B. Assist students in understanding safety rules and encourage them to abide by them.
- C. Recognize their own responsibility for the actions of their children.
- D. Support safe riding practices and reasonable discipline efforts.
- E. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
- F. Support for emergency evacuation procedures as set up by the school district.
- G. Respect the rights and privileges of others.
- H. Communicate safety concerns to school administrators.
- I. Monitor bus stops, if possible.
- J. Support all efforts to improve school bus safety.

Reviewed: 12/99
04/05
05/14

007. STUDENTS

007.3 Transportation

007.38 School Bus Driver Duties and Responsibilities

I. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

- A. School bus drivers shall have a valid CDL Minnesota driver's license with a school bus endorsement.
- B. A person possessing a valid driver's license without a school bus endorsement may drive a Type III vehicle.
- C. A person possessing a valid Class D driver's license without a bus endorsement may operate a "Type A-1" school bus.
- D. The School District shall require mandatory drug and alcohol testing of all School District bus drivers and bus driver applicants in accordance with state and federal law.
- E. 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 to the School District and school transportation provider.
- F. Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.
- G. A school bus driver, with the exception of a driver operating a type A-1 school bus or type III vehicle, who has a commercial driver's license and who is convicted of a criminal offense, a serious traffic violation, or of violating any other state or local law relating to motor vehicle traffic control, other than a parking violation, in any type of motor vehicle in a state or jurisdiction other than Minnesota, shall notify the Minnesota Division of Driver and Vehicle Services ("Division") of the conviction within 30 days of the conviction. For purposes of this paragraph, a "serious traffic violation" means a conviction of any of the following offenses:
 - 1. excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
 - 2. reckless driving;

3. improper or erratic traffic lane changes;
 4. following the vehicle ahead too closely;
 5. a violation of state or local law, relating to motor vehicle traffic control, arising in connection with a fatal accident;
 6. driving a commercial vehicle without obtaining a commercial driver's license or without having a commercial driver's license in the driver's possession.
- H. A school bus driver, with the exception of a driver operating a type A-1 school bus or type III vehicle, who has a commercial driver's license and who is convicted of violating, in any type of motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control, other than a parking violation, shall notify the person's employer of the conviction within 30 days of conviction. The notification shall be in writing.
- I. A school bus driver, with the exception of a driver operating a type A-1 school bus or type III vehicle, which has a Minnesota commercial driver's license suspended, revoked, or cancelled by the state of Minnesota or any other state or jurisdiction and who loses the right to operate a commercial vehicle for any period or who is disqualified from operating a commercial motor vehicle for any period shall notify the person's employer of the suspension, revocation, cancellation, lost privilege, or disqualification. Such notification shall be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. The notification shall be in writing.
- J. A person who operates a type III vehicle and who sustains a conviction as described in Section VII.C.1.g. (*i.e.*, driving while impaired offenses), VII.C.1.h. (*i.e.*, felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor), or VII.C.1.i. (multiple moving violations) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the person's employer within ten days of the date of the conviction. The notification shall be in writing. This provision does not apply to a school district employee whose normal duties do not include operating a type III vehicle.

II. SCHOOL BUS DRIVER TRAINING

- a. Training

All new school bus drivers shall:

1. be provided with pre-service training, including in-vehicle (actual driving) instruction before transporting students;
 2. meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual; and
 3. receive in-service training annually (at least once every 380 days).
- b. 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.

c. Evaluation

School bus drivers with a CDL license will be evaluated annually and all other bus drivers will be assessed periodically. The assessment will address the ability to:

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;
 4. handle incidents of misconduct appropriately;
 5. demonstrate knowledge and understanding of relevant laws, rules of the road, and local school bus safety policies;
 6. handle emergency situations; and
 7. safely load and unload students.
- D. 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).
- E. All bus drivers operating a Type III vehicle will be provided with annual training by either the School District or the entity from which such services are contracted by the School District.

III. 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. Only students assigned to the school bus by the School District shall be transported.
3. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus.
4. No person shall be allowed to stand when the bus is in motion.
5. The parent/guardian may designate 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 other eligibility requirements.
6. Bus drivers must minimize, to the extent practical, the idling of school bus engines to limit the exposure of children to diesel exhaust fumes.
7. Bus drivers must park and load school buses at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

B. Type III Vehicles

1. Type III vehicles are defined as 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 inspected in accordance with state requirements.

4. A Type III vehicle cannot be older than 12 years old unless accepted 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. "Type III school buses" and "Type III Head Start buses" 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 mirror as required by law.
9. Type III vehicles may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park.
10. 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.
11. If the driver escorts the student across the road:
 - i. the motor must be stopped;
 - ii. the ignition key removed;
 - iii. the brakes set; and
 - iv. the vehicle otherwise rendered immobile.
12. Type III vehicles used to transport students must carry emergency equipment including:
 - i. Fire extinguisher:
 1. A minimum of one 10BC rated dry chemical type fire extinguisher is required.
 2. 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.
 3. A pressure indicator is required and must be easily read

without removing the extinguisher from its mounted position.

ii. First aid kit and body fluids cleanup kit:

1. A minimum of one ten-unit first aid kit and one body fluids cleanup kit is required.
2. The kits must be contained in removable moisture and dust-proof containers mounted in an accessible place within the driver's compartment; and
3. The kits must be marked to indicate their identity and location.

iii. Type III buses must contain at least three red reflectorized triangle road warning devices. (Liquid burning "to type" flares are not allowed.)

iv. 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 when a label in the driver and front passenger area clearly indicates the location of these items.

13. Students will not be transported in private vehicles except in emergency situations.

14. 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.

C. Type III Vehicle Driven by Employees with a Class D Driver's License

1. The holder of a Class D driver's license, without a school bus endorsement, may operate a Type III vehicle, described above, under the following conditions:
 - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the School District.
 - b. The operator's employer, which may include the School District, has adopted and implemented a policy that provides for annual training and certification of the operator in:

- i. Safe operation of a Type III vehicle;
- ii. Understanding student behavior, including issues relating to students with disabilities;
- iii. Encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
- iv. Knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
- v. Handling emergency situations;
- vi. Proper use of seat belts and child safety restraints;
- vii. Performance of pre-trip vehicle inspections; and
- viii. Safe loading and unloading of students, including, but not limited to:
 - 1) Utilizing a safe location for loading and unloading students at the curb, on the non-traffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable that student to avoid hazardous conditions;
 - 2) Refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
 - 3) Avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location (see III.B.ii.); and
 - 4) Placing the Type III vehicle in “park” during loading and unloading.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minn. Stat. §122A.18, Subd. 8, or Minn. Stat. §123B.03 for school district employees; Minn. Stat. §144.057 or Minn. Stat. Ch. 245C for day-

care employees; or Minn. Stat. §171.321, Subd. 3, for all other persons operating a Type A or Type III vehicle under this section.

- d. Operators shall submit to a physical examination as required by Minn. Stat. §171.21, Subd. 2.
- e. The operator's employer has adopted and implemented a policy that provides for mandatory drug and alcohol testing of applicants for operator positions and current operators, in accordance with Minn. Stat. §181.951, Subds. 2, 4, and 5.
- f. The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.
- g. A person who sustains a conviction, as defined under Minn. Stat. §609.02, of violating Minn. Stat. §169A.25, §169A.26, §169A.27 (driving while impaired offenses), or §169A.31 (alcohol-related school bus driver offenses), or whose driver's license is revoked under Minn. Stat. §169A.50 to 169A.53 of the implied consent law, or who is convicted of or has his or her driver's license revoked under a similar statute or ordinance of another state, is precluded from operating a Type III vehicle for five years from the date of conviction.
- h. A person who has ever been convicted of a disqualifying offense as defined in Minn. Stat. §171.3215, Subd. 1(c), (i.e. felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a Type III vehicle.
- i. A person who sustains a conviction, as defined under Minn. Stat. §609.02, of a moving offense in violation of Minn. Stat. ch. 169 within three years of the first of three other moving offenses is precluded from operating a Type III vehicle for one year from the date of the last conviction.
- j. Students riding the Type III vehicle must have training required under Minn. Stat. §123B.90, Subd. 2.
- k. Documentation of meeting the requirements listed in this section must be maintained under separate file at the business location for

each Type III vehicle operator. The school district or any other entity that owns, leases, or contracts for the type III vehicle operating under this section is responsible for maintaining these files for inspection.

2. The Type III vehicle must bear a current certificate of inspection issued under Minn. Stat. §169.451.
3. An operator employed by the school district, whose normal duties do not include operating a Type III vehicle, who holds a Class D driver's license without a school bus endorsement, may operate a Type III vehicle and is exempt from paragraphs d. (physical examination), and e. (drug and alcohol testing).

D. 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-1 school bus under the following conditions:
 - i. The operator is an employee of the School District or an independent contractor with whom the School District contracts for the school bus.
 - ii. The operator drives the school bus only from points of origin to points of destination.
 - iii. The operator is prohibited from using the eight-light system.
 - iv. The operator has submitted to a background check.
 - v. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense.
 - vi. 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" in addition to the training required.
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.

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04/05
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007. STUDENTS

007.3 Transportation

007.39 School District School Bus Emergency Procedures

I. EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call “911” or the local emergency phone number in the event of a serious emergency.
- B. 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).
- C. School bus drivers and bus assistants for special education students shall:
 - i. be trained in basic first aid procedures;
 - ii. participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities within one month after the effective date of assignment;
 - iii. assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and
 - iv. ensure that protective safety devices are in use and fastened properly.

II. EMERGENCY HEALTH INFORMATION

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:

- A. the student’s name and address;
- B. the nature of the student’s disabilities;
- C. emergency health care information; and
- D. 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.

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04/05

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007. STUDENTS

007.4 Student Welfare

007.41 Student Assistance Program

1. GENERAL STATEMENT

All students have a right to an education. Any conditions or circumstances that deny this right must be reported by those who engage in the practice of education. The School District recognizes that there is a responsibility shared among parents/guardians, community members, and professional school staff for the educational development of students. Whenever student behaviors or physical appearances indicate potentially serious problems that adversely affect educational growth or negatively influence the educational climate, it becomes the responsibility of the school to provide assistance.

II. MINNESOTA LAW

The state of Minnesota has mandated by law that professional educators who have knowledge or reasonable cause to believe a student is being neglected or physically/ sexually abused, shall report such information immediately to the appropriate authorities.

- A. Child abuse or neglect and chemical abuse may be revealed by a variety of symptoms in school, such as absenteeism or truancy, inability to concentrate on tasks, low achievement, or signs of excessive aggression.
- B. No student with chemical dependency, mental or physical problems, or serious personal problems, will have his/her student status affected for seeking and/or accepting diagnosis and treatment. If the student refuses to accept assistance or continually does not respond to treatment, or if significant indications of chemical abuse or other problems persist Policy 007.2 (Student Conduct) will be implemented.

III. STUDENT ASSISTANCE TEAM

The professional staff of each building or division in the School District shall establish a Student Assistance Team (SAT), which shall consist of the building principal, the school nurse, the school social worker or counselor, and two professional staff members appointed by the principal. This team will make supportive consultation and technical assistance available to the employee making the referral. In the case of child abuse or neglect, school personnel will

make required reports to city and county officials. In the case of chemical abuse, the team, along with the referring employee, will decide if further intervention is warranted.

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007. STUDENTS

007.4 Student Welfare

007.42 Suspected Criminal Activity Procedures

I. GENERAL STATEMENT

- A. School administrators have the right and duty to interview students in investigating crimes or reports thereof, committed during school hours or on school property, or regarding the presence in the school building or school grounds of illegal matter. Normally, school authorities will exercise their rights in dealing with disciplinary problems misconduct, insubordination, and law violations on school property.
- B. A school principal may exercise his/her discretion in determining whether to request assistance of police in investigating a crime or allegation of a crime committed in the building or on the grounds of the school for which the principal is responsible.
- C. It should ordinarily not be necessary for police officers to have contact with students at school for unrelated crimes committed outside of school or crimes committed in the building or on the grounds of the school during school hours, for which assistance has not been requested. Ordinarily, police will not be given permission to interview, interrogate, or arrest a student who is under the age of 14. However, police are charged with the responsibility of investigating violations committed by students while going to and from school. Police officers shall assist in enforcement of compulsory attendance laws and cooperate with school officials in returning students absent from school without legal excuse.

II. ADMINISTRATIVE CONDUCT DURING SUSPECTED CRIMINAL ACTIVITY PROCEDURES

- A. If a student is a suspect or is accused of a crime committed in the school during school hours, or on school property at any time, a school principal may interrogate the student, without the presence of parents/guardians and without giving the student constitutional warnings, regardless of the course of information, if breach of school discipline, health, and safety of the student or student body, or presence in the school building or grounds or illegal matter, is involved.
- B. If a student is a suspect or is accused of a crime not involving conduct outlined in Section II-A of this policy, or if interrogation of a particular student is police instigated, the interrogation of such student by a school principal may be deemed "state action," the student may be deemed "in custody," a parent/guardian shall

be notified, and constitutional warnings shall first be given to the student before a statement is taken. In any event, voluntary admission or confession of the student will later have to be established in any criminal prosecution, juvenile court proceeding, or school expulsion proceeding.

C. SEARCH IN SCHOOL BUILDING OR ON SCHOOL PROPERTY

- a. The school administration retains control over lockers and desk space loaned to students and regulates admission and parking of vehicles on school grounds. School principals have the right and duty to inspect and search students' lockers and desks and student or non-student vehicles when a principal reasonably suspects, upon information received from police or otherwise, that drugs weapons, dangerous, illegal or prohibited matter, or goods stolen from the school or from members of the staff or student body are likely to be found therein.
- b. In addition, school principals will conduct periodic inspections of the school locker areas and/or the parking lots on district premises. These inspections may be announced or unannounced and may be carried out using specially trained dogs to sniff out and alert staff to the presence of substances prohibited by law or district policy.
- c. School principals also have the right and duty to search a student's person if he/she has a high degree of suspicion that drugs, weapons, dangerous, illegal or prohibited matter, or such stolen goods are likely to be found on the student's person. The results of such search may be turned over to the police for inspection or examination and may be the subject of criminal or juvenile court prosecution or of school disciplinary proceedings.
- d. Searches and inspections may be carried out without notice, without consent, and without a search warrant.
- e. The Superintendent of Schools will develop reasonable guidelines that address specific needs of the School District related to searches of the school buildings, grounds, and a student's person. Guidelines shall be clearly communicated to students and parents/guardians.

D. UNLAWFUL OR UNRULY MASS DEMONSTRATIONS

- a. When a demonstration on school property disrupts or has potentiality to disrupt the educational program of the school or normal operation of the school, school administrators may end the demonstration. The building principal shall notify the Superintendent of Schools immediately.

- b. School authorities will communicate to the police departments any advance information they may have with respect to mass demonstrations that are likely to lead to violence.
- c. Acts of violence or vandalism during demonstrations are not protected.
- d. The school administration has three remedies that might be invoked to restore order:
 - i. To invoke disciplinary measures leading to suspensions or expulsions;
 - ii. To seek injunctive relief; and
 - iii. To contact the police department.

III. POLICE CONDUCT DURING SUSPECTED CRIMINAL ACTIVITY PROCEDURES

A. ON REQUEST OF SCHOOL AUTHORITIES

a. INVESTIGATION

- i. If a school principal requests assistance, a police officer may conduct a general investigation within the school building and interview students as possible witnesses in school during the day. The school principal or his/her designee shall be present during the interview.
- ii. If the investigation focuses on a particular student as a prime suspect of a crime, the school principal and the police officer will follow the general guidelines herein set forth with respect to interrogation, search, and arrest.

b. INTERROGATION

- i. The police shall have permission to interrogate a student suspect in school during school hours, if a school principal has requested assistance of the police department to investigate a crime involving his/her students for the purpose of:
 - 1. enforcing school discipline; or because

2. the health and safety of the student or student body is involved; or
 3. the presence in school buildings or grounds of illegal matter.
- ii. The school principal or the police shall first notify the parents/guardians of the student of the intended interrogation. The school principal or his/her designee shall be present during the interrogation. Although efforts shall be made to notify a parent/guardian of the student, interrogation may proceed if the parent/guardian is unavailable or unwilling to attend. However, the police officer may interrogate the student without giving the student constitutional warnings if the police officer determines that it is not necessary.
 - iii. If criminal prosecution is contemplated by the police or the school principal, interrogation shall not commence unless a parent or guardian of the student is present. Before interrogation, the police officer shall advise the student:
 1. of the nature of the crime for which he or she is a suspect;
 2. that he or she has the right to remain silent;
 3. that anything he or she says may be used against him or her in a criminal or juvenile court;
 4. that he or she has the right to have an attorney present, or a court-appointed attorney if the parents/guardians are indigent; and
 5. the student or parent/guardian may stop the interrogation at any time.

The school official cannot, on behalf of the student, waive these rights. If the parent/guardian and the student waive these rights, the interrogation may commence. The school principal shall keep a log as to the procedural steps followed by the police.

c. SEARCH IN SCHOOL BUILDING OR ON SCHOOL PROPERTY

- i. If public health or safety is involved, upon request of a school principal who shall be present, police officers may make a general search for drugs, weapons, or items of an illegal or prohibited

nature, of students' lockers and desks, or students' or non-students' automobiles.

- ii. If a principal has received reliable information, which he or she believes to be true, that evidence of a crime or stolen goods not involving school property or members of the school staff or student body, is located in a certain student's locker, desk, or student's or non-student's automobile, and search is unrelated to school discipline, or health and safety of a student or student body, the principal shall request police assistance, and procedures to obtain and execute a search warrant shall thereafter be followed.

B. WITHOUT REQUEST OF SCHOOL AUTHORITIES

a. INVESTIGATION

- i. If THE police deem circumstances require immediate attention and they need to interview students at school, the police department shall first contact the school principal regarding the planned visit; inform him/her of the probable cause to investigate. The police officer shall not commence the interview until such approval is obtained.
- ii. The police department may appeal the principal's decision to the Superintendent if it is deemed that approval was unreasonably withheld.

b. INTERROGATION

If the police deem circumstances exigent to interrogate students at school, the police department shall first contact the school principal regarding the planned interrogation; inform him/her of the probable cause to interrogate within the school, and request approval for interrogation. The police officer shall not commence interrogation until the approval is obtained. The police department may appeal to the Superintendent if it is deemed that approval was unreasonably withheld.

c. ARREST

- i. No police officer shall arrest or take custody of any student in school during school hours unless upon lawful request by the school principal, or unless the officer has "probable cause" to arrest for a felony, or has an arrest warrant or juvenile commitment order,

which the issuing authority or juvenile court directs be served at school.

- ii. In cases where the student is to be taken into custody, the police officer shall first contact the school principal and advise him/her of such fact. The student shall first be summoned to the office by the school principal. If possible, a non-uniformed police officer shall make the arrest. The services of a school police officer in making an arrest, if available, should be requested by the arresting police officer.
- iii. In emergency situations where the commission of a crime or offense involving felony or breach of the peace in school has been witnessed by a police officer, or if the police officer is in "hot pursuit" of the student for such crime, the police have the legal right to take direct and unhindered action in schools. The school principal must be notified of the action as soon as possible.
- iv. The school principal shall record the name of the police officer, the time of arrest, the name of the issuing authority of any arrest warrant, the nature of the crime for which apprehension is made, and the place of custody or detention. The parents or legal guardians of the student shall be notified immediately thereof by the school principal. It is, of course, also incumbent upon the police to notify parents/guardians immediately after an arrest of a student is made.

d. SEARCH IN SCHOOL BUILDINGS OR ON SCHOOL PROPERTY

- i. Police officers may not search students' lockers, desks, or automobiles unless they have a search warrant, and may not search a student's person in school unless the student is under arrest.
- ii. A school official may not consent to a warrant less search of a student's locker, desk, or automobile. The student, if available, shall be present during an appropriate search.

IV. LAW VIOLATIONS DURING THE TIME OF SCHOOL RESPONSIBILITY

A. BOMB REPORTS OR DISCOVERIES

It is a felony to give false information concerning the placement of a bomb in a school building. It is recommended that school officials, police, and fire officials

work jointly on procedures to be followed in the event of a bomb threat. In all cases, such incidents shall be reported to the police. The school principal is responsible for the safety of the students while in school, and shall be responsible for evacuation of the building.

V. REPORTING OF CRIMES COMMITTED IN SCHOOL TO POLICE

- A. Evidence of any crime constituting a felony reported to school principals or discovered by them shall be reported to the police.
- B. Information or evidence as to other crime deemed serious by the police shall be turned over by the school principal to the police upon official request by the police.
- C. The following crimes, including but not limited to those listed below, are considered serious and information, reports, or evidence thereof known by the school principal shall be turned over to the police:
 - a. Serious assaults when the victim is injured by use of a weapon or continued patterns of recurring simple assaults;
 - b. Possession and/or use of alcohol, narcotics, or controlled substances;
 - c. Assaults or sexual assault;
 - d. Gang rivalries or activities; or
 - e. Theft.
- D. Information received by police from school authorities as to students suspected of crime, unless it is direct evidence, shall be regarded as confidential.

First Reading: December 2013

Adopted: May 2014

Reviewed: May 2014

007. STUDENTS

007.4 Student Welfare

007.421 Administrative Rules and Regulations

ADMINISTRATIVE RULES AND REGULATIONS REGARDING SEARCHES BY TRAINED DOGS

The following procedures are in place at Saint Peter Middle and Senior High School regarding searches of the school building and grounds, specifically student lockers and school parking lots by trained dogs.

1. Information regarding the rights of the school and school officials to conduct locker and parking lot searches will be included in the middle school and senior high school student-parent handbooks.
2. All students and parent/guardians will be notified of the school policy regarding specially trained dogs searching school lockers and vehicles parked in school parking lots by a letter sent to them prior to the start of every school year. All students who park in school parking lots will sign a parking permit indicating they understand that their vehicle will be searched if a specially trained dog “hits” on their vehicle. They also understand that they will be subject to withdrawal of school parking privileges and to school-assigned disciplinary consequences.
3. Prior to the beginning of the school year, school officials will conduct a search of school locker areas and parking lots to ensure that illegal substances or prohibited matter are not present.
4. The school administration will conduct periodic sweeps of school locker areas and/or the parking lots on district premises.
5. If the specially trained dog “hits” on a vehicle, the following procedures will apply:
 - a. The school administration will contact the counseling office. School counselors will make the initial contact with the student or students who are responsible for the vehicle that has been identified.
 - b. The counselors will bring the student to the school parking lot to meet with school administrators.
 - c. School administrators will inform the student there is reasonable suspicion that a search of the student’s vehicle will uncover a violation of law or

school rules. The student will be asked for permission to search the vehicle. If permission is granted, a school official, or his/her designee, will conduct a search.

- d. If the student refuses to allow a search of the vehicle, the matter will be turned over to the local law enforcement authorities. It is understood that the local law enforcement authorities may attempt to secure a search warrant for the vehicle that will allow for a police search of the vehicle.
 - e. Any student who is brought to the parking lot based on a canine “hit” will have his/her parent/guardian contacted by school officials. This contact will occur in a reasonable and timely manner following the completion of the search of a student’s vehicle.
 - f. If any illegal substances or prohibited matter are found in the vehicle, the student may be suspended from school and the student may be turned over to the local law enforcement authorities for potential criminal prosecution. The student may be subject to applicable Minnesota State High School League penalties.
6. If the specially trained dog hits on a locker, there will be a locker search and the following procedures will apply:
- a. The school administration will contact the counseling office. School counselors will make the initial contact with the student or students who are responsible for the locker that has been identified.
 - b. The counselors will bring the student to the locker to meet with school administrators.
 - c. School administrators will inform the student that the dog has “hit” on the locker.
 - d. School administrators will conduct a search of the locker and the contents in the locker.
 - e. Any student who is brought to a locker based on a canine “hit” will have his/her parent/guardian notified of this fact. This contact will occur in a reasonable and timely manner following the completion of the search of a student’s locker.
 - f. If any illegal substances or prohibited matter are found in the locker, the student may be suspended from school and the student may be turned

over to the local law enforcement authorities for potential criminal prosecution.

Reviewed: May 2014

007. STUDENTS

007.4 Student Welfare

007.43 Wellness Policy

I. PURPOSE

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

I. GENERAL STATEMENT OF POLICY

- A. The school board recognizes that nutrition education and physical education are essential components of the educational process and that the school environment should promote and protect students' health and well-being.
- B. The school district encourages the involvement of students, parents, teachers, food service staff, and other interested persons in implementing, monitoring, and reviewing school district nutrition and physical activity policies.
- C. Children need access to healthy foods and opportunities to be physically active.
- D. All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- E. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.

II. GUIDELINES

A. Foods and Beverages

- A. All foods and beverages made available on campus (including concessions and a la carte cafeteria items) will be consistent with the current USDA Dietary Guidelines for Americans.

- B. Food service personnel will take every measure to ensure that student access to foods and beverages meet or exceed all federal, state, and local laws and guidelines.
- C. Food service personnel shall adhere to all federal, state, and local food safety and security guidelines.
- D. The school district will make every effort to prevent the identification of students who are eligible for free and reduced-price school meals.
- E. The school district will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
- F. The school district administrator will examine the daily schedule on a regular basis to ensure that adequate time is provided for student to eat healthy meals.
- G. The school district will discourage tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities.

B. School Food Service Program/Personnel

- A. The school district will provide healthy and safe school meal programs that strictly comply with all federal, state, and local statutes and regulations.
- B. The school district shall designate an appropriate person to be responsible for the school district's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA Dietary Guidelines for Americans.
- C. As part of the school district's responsibility to operate a food service program, the school district will provide continuing professional development for all food service personnel in schools.

C. Nutrition Education and Promotion

- A. The school district will encourage and support healthy eating by students and engage in nutrition promotion that is:
 - a. offered as part of a comprehensive program designed to provide students with the knowledge and skills necessary to promote and protect their health; and
 - b. part of health education classes as well as other subjects where appropriate.
- B. The school district will encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte [snack] lines, vending machines, fundraising events, concession stands, and student stores.
- C. Students will have regularly scheduled opportunities for physical activity provided through a comprehensive physical education program in the K-12 curriculum, through competitive and intramural sports programs, through supervised recess, and through after-school activity programs.

D. Physical Activity

- A. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and
- B. Classroom teachers may provide short physical activity breaks between lessons or classes, as appropriate.

III. IMPLEMENTATION AND MONITORING

- A. School food service staff, at the school or district level, will ensure compliance within the school's food service areas and will report to the food service program administrator, the building principal, or the superintendent's designee, as appropriate.
- B. The school district's food service program administrator will provide an annual report to the superintendent setting forth the nutrition guidelines and procedures for selection of all foods made available on campus.

C. The superintendent or designee will ensure compliance with the wellness policy and will provide an annual report of the school district's compliance with the policy to the school board.

D. The school district will post this wellness policy on its website.

First Reading: December 2013

Adopted: May 19, 2014

007. STUDENTS

007.43 Student Welfare

007.431 Administrative Rules and Regulations

ADMINISTRATIVE RULES AND REGULATIONS REGARDING SCHOOL DISTRICT WELLNESS POLICY

1. The Superintendent or designee will participate in comprehensive review of the current status regarding food, physical activity, and matters related to health and wellness on a regular basis.
2. The Superintendent will direct food-service personnel in charge of meal programs to share nutritional analysis information with parents and students.
3. The School District will contract for the services of a nutrition specialist or registered dietician to assist food-service personnel with monitoring for compliance and with the development of new menu items that are lower in fat and sugar and higher in nutritional content.
4. The school administration should examine schedules to ensure that adequate time is provided for students to eat healthy meals.
5. The school administration should meet annually with personnel in charge of vending machines, cafeteria a la carte lines, school stores, concession stands, and fundraisers to discuss the relevant wellness policy items.
6. The school administration should notify staff annually of the wellness policy and encourage it to consider healthy snack alternatives, to look for ways for students to be physically active and to model healthy eating and activity behaviors.
7. The school administration should consider ways to help students increase their physical activity during the school day through physical education class requirements, during other times throughout the school day, through supervised recess, and before and after school.

Reviewed: May 2014

007. STUDENTS

007.4 Student Welfare

007.44 Student Disability Nondiscrimination

I. GENERAL STATEMENT OF POLICY

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

B. For this policy, a student who is protected under Section 504 is one who:

- i. Has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
- ii. has a record of such impairment; or
- iii. is regarded as having such impairment.

C. Students may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

II. COORDINATOR

Persons who have questions, comments, or complaints should contact the school district's ADA/504 Coordinator.

First Reading: April 12, 2007

Adopted: May 10, 2007

Reviewed: May 2014

007. STUDENTS

007.4 STUDENT WELFARE

**007.45 MANDATED REPORTING OF CHILD NEGLECT OR
PHYSICAL OR SEXUAL ABUSE**

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. Accidental: a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. Child: one under age 18.
- C. Immediately: as soon as possible but in no event longer than 24 hours from the time initial knowledge that the incident occurred has been received.

- D. Mandated Reporter: any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. School Personnel: professional employee or their delegate of the school district who provides health, educational, social, psychological, law enforcement, or childcare services.
- F. Neglect: the commission or omission of any of the acts specified below, other than by accidental means:
 - 1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so. This includes a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 - 2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
 - 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
 - 4. failure to ensure that a child is educated in accordance with state law, excluding a parent's refusal to provide his or her child with sympathomimetic medications;
 - 5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;

6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.
9. Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

G. Physical Abuse:

1. Any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.67 or § 245.825.
2. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.
3. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:
 - a. throwing, kicking, burning, biting, or cutting a child;

- b. striking a child with a closed fist;
 - c. shaking a child under age three;
 - d. striking or other actions which result in any non-accidental injury to a child under 18 months of age;
 - e. unreasonable interference with a child's breathing;
 - f. threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6;
 - g. striking a child under age one on the face or head;
 - h. purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
 - i. unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or
 - j. in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.
- H. Sexual Abuse: the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes

threatened sexual abuse.

- I. Mental Injury: an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- J. Person responsible for the child's care:
 - 1. an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or
 - 2. an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- K. Threatened injury: a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency

responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.

- C. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- D. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- E. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- F. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

V. INVESTIGATION

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

official.

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

B. Notification:

1. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview.
2. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.

C. Interviewed:

1. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview.
2. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency.
3. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.

D. School Investigation:

1. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.

E. Requests for Information:

1. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school.
2. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. School records concerning abuse or potential abuse are private data.
- B. All records regarding a report of maltreatment, including any notification of intent to interview shall be maintained by the school district unless ordered destroyed by the investigating agency or by the court.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

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

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. The school district will discuss this policy with school personnel.

First Reading: February 10, 2011

Adopted: March 21, 2011

Reviewed: May 2014

007. STUDENTS

007.4 STUDENT WELFARE

007.46 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. § 626.557 requiring school personnel to immediately report suspected maltreatment of vulnerable adults.
- B. It shall be a violation of this policy for any school personnel to fail to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. Mandated Reporters: any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. School Personnel: professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- C. Immediately: as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
- D. Maltreatment: the neglect, abuse, or financial exploitation of a vulnerable adult.
- E. Neglect: the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing,

shelter, health care, or supervision which is:

1. reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
2. which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.

F. Abuse:

1. an act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:
 - a. assault in the first through fifth degrees as defined in sections 609.221 to 609.224;
 - b. the use of drugs to injure or facilitate crime as defined in section 609.235;
 - c. the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and
 - d. criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
2. Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

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

G. Financial Exploitation:

1. a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes:
 - a. the willful use, withholding or disposal of funds or property of a vulnerable adult;
 - b. the obtaining of services for wrongful profit or advantage

which results in detriment to the vulnerable adult;

- c. the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud;
- d. and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.

H. Vulnerable Adult: any person 18 years of age or older who:

- 1. is a resident or inpatient of a facility;
- 2. receives services at or from a licensed facility which serves adults as set forth in Minn. Stat. § 626.5572, Subd. 21(a)(2);
- 3. receives services from a licensed home care provider or home care provider service; or
- 4. regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the ability to protect the individual's self from maltreatment.

I. Caregiver: an individual or facility who:

- 1. has responsibility for the care of a vulnerable adult as a result of a family relationship;
- 2. has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

IV. REPORTING PROCEDURES

A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the designated county entity.

- 1. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury

or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency.

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

V. INVESTIGATION

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

VI. DISSEMINATION OF POLICY AND TRAINING

- A. The school district will discuss this policy with employees where appropriate.

First Reading: February 10, 2011

Adopted: March 21, 2011

Reviewed: May 2014

007. STUDENTS

007.4 Student Welfare

007.47 Bullying Prohibition

I. PURPOSE

The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

II. GENERAL STATEMENT OF POLICY

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such an act is committed on or off school district property and /or with or without the use of school district resources.

B. No teacher, administrator, volunteer, contractor, or other employee of

the school district shall permit, condone, or tolerate bullying.

- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, 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.

- A. The School District will 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.
- B. Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions and education about bullying 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.

III. DEFINITIONS

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

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

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

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or

3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
 - F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
 - G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
 - H. "Student" means a student enrolled in the public school.

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 or prohibited conduct under this policy:
 1. Shall report the alleged acts immediately to an appropriate

School District official; or

2. A person may report bullying anonymously, but action may not be taken against an alleged perpetrator based solely on an anonymous report.
- B. The School District encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the School District office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.
- D. A teacher, school administrator, volunteer, contractor, or other School District 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, or other prohibited conduct, in a timely manner may be subject to disciplinary action.
- E. Reports of bullying, or other prohibited conduct, are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building principal or responsible authority will be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

- F. Submission of a good faith complaint or report of bullying, or other prohibited conduct, will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying, or other prohibited conduct, the School District shall undertake or authorize an investigation by School District officials or a third party designated by the School District.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct. 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; and other applicable school district policies; and applicable regulations.
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a

student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.

- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

The School District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School District who commits an act of reprisal or who retaliates against any person who makes a good faith report of alleged bullying, or prohibited conduct, 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 or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, and publications on school rules, procedures, and standards of conduct.
- B. The school district shall require ongoing professional development to build

the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:

1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 4. The incidence and nature of cyberbullying; and
 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

The administration is encouraged, to the extent practicable, to take such

actions as it may deem appropriate to accomplish the following:

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

VIII. NOTICE

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

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

IX. POLICY REVIEW

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. Revisions shall be made in consultation with students, parents, and community organizations.

First Reading: 06/10/04
Adopted: 07/08/04
Reviewed: 12/09/10
05/14
06/14

007. STUDENT

007.4 Student Welfare

007.48 Hazing

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the School District shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the School District shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.
- G. Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
- H. Consequences for employees who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.

- I. Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.
- J. This policy applies to behavior that occurs on and off School District property and during and after school hours.
- K. A person who engages in an act that violates School District policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline.
- L. The School District will investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School District who is found to have violated this policy.

III. DEFINITIONS

- A. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The harms of hazing include, but are not limited to, mental stress, embarrassment, shame, or humiliation that adversely affects the mental health or dignity of the student or that adversely affects student performance. 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; and
 - 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.

6. "Immediately" means as soon as possible but in no event longer than 24 hours.
 7. "On school premises or school district property, or at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
 8. "Remedial response" means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.
 9. "Student" means a student enrolled in a public school or a charter school.
- B. "Student Organization" means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular School District events. A student organization does not have to be an official School District organization to come within the terms of this definition.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of hazing is encouraged to report the alleged acts immediately to an appropriate School District official designated by this policy. A person may report hazing anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

The school district encourages the reporting party to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.

The building principal is the person responsible for receiving reports of hazing at the building level. Any adult school district personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report directly to a School District human rights officer or to the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

- B. 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, witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately.
- C. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- D. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.
- E. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Upon receipt of a complaint or report of hazing Within three (3) days of the 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, report, students, or others pending completion of an investigation of hazing.
- C. Upon completion of the investigation of student misconduct, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, or expulsion. 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 Fair Dismissal Act, School District policies and regulations.
- D. Upon completion of the an investigation that determines hazing has occurred, of others, 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; and applicable school district policies and regulations
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.

In order to prevent or to respond to hazing committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

VI. RETALIATION OR REPRISAL

The School District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School District who commits an act of reprisal or who retaliates against any person who asserts, alleges or makes a good faith report of alleged hazing or against any person who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing 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, or intentional treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

VII. DISSEMINATION OF POLICY

This policy shall appear in each school's student handbook and in each school's staff handbook.

Adopted: July 2004 (as policy 005.42)

Reviewed: 05/14

007. STUDENTS

007.4 Student Welfare

**007.49 Student Parental, Family, and Marital Status
Nondiscrimination**

I. PURPOSE

Students are protected from discrimination on the basis of sex and marital status pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. This includes discrimination on the basis of pregnancy. The purpose of this school district policy is to provide equal educational opportunity for all students and to prohibit discrimination on the grounds of sex, parental, family, or marital status.

II. GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students, and will not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.
- B. The school district will not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such students' pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.
- C. The school district may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
- D. The school district will ensure that any separate and voluntary instructional program is comparable to that offered to non-pregnant students.
- E. It is the responsibility of every school district employee to comply with this policy.
- F. The school board has designated the high school activity director as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- G. 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.

- H. Any reports of unlawful discrimination under this policy will be handled, investigated, and acted upon in the manner specified in school board policy.

First Reading: December 2013

Adopted: May 19, 2014

Reviewed: _____

007. STUDENTS

007.5 Freedom of Expression

007.51 School-Sponsored Student Publications and Activities

I. PURPOSE

The purpose of this policy is to protect students' rights to free speech in production of official school publications and activities while at the same time balancing the school district's role in supervising student publications and activities and the operation of public schools.

II. GENERAL STATEMENT OF POLICY

- A. The school district may exercise editorial control over the style and content of student expression in school-sponsored publications and activities.
- B. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school district policy. Faculty advisors shall supervise student writers to ensure compliance with the law and school district policies.
- C. Students who believe their right to free expression has been unreasonably restricted in an official student publication or activity may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.
 - i. Students producing official school publications and activities shall be under the supervision of a faculty advisor and the school principal. Official publications and activities shall be subject to the guidelines set forth below.
 - ii. Official school publications may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of material including, but not limited to, handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying materials, placing materials in internal staff or student mailboxes, or all forms of electronic communication.

B. "Official school publications" means school newspapers, yearbooks, or material produced in communications, journalism, or other writing classes as a part of the curriculum.

C. "Obscene" means:

- i. The average person, applying contemporary community standards, would find that form of expression offensive; and
- ii. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

D. "Material and substantial disruption" of a normal school activity means:

- i. Where the normal school activity is an educational program of the school district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
- ii. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

E. "School activities" means any activity of students sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other such gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.

F. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

- A. Expression in an official school publication or school-sponsored activity is prohibited when the material:
- i. Is obscene;
 - ii. Is libelous or slanderous;
 - iii. Advertises or promotes any product or service not permitted by law;
 - iv. Encourages students to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
 - v. Expresses or advocates harassment or prejudice of any kind;
 - vi. Is distributed or displayed in violation of time, place, and manner regulations.
- B. Expression in an official school publication or school-sponsored activity is subject to editorial control by the school district over the style and content so long as the school district's actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, the following:
- i. Assuring that participants learn whatever lessons the activity is designed to teach;
 - ii. Assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
 - iii. Assuring that the views of the individual speaker are not erroneously attributed to the school;
 - iv. Assuring that the school is not associated with any position other than neutrality on matters of political controversy;
 - v. Assuring that the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for school-aged audiences.
- C. Time, Place, and Manner of Distribution

Students shall be permitted to distribute written materials at school as follows:

- i. Time—distribution shall be limited to the hours before the school day begins, during lunch hour, and after school is dismissed.
- ii. Place—written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entry ways, and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
- iii. Manner—no one shall induce or coerce a student or staff member to accept a student publication.
- iv. Electronic Communication—electronic communication is governed by the school district’s acceptable use policy.

First Reading: December 2013

Approved: May 19, 2014

Reviewed: _____

007. STUDENTS

007.5 Freedom of Expression

007.52 Equal Access Act

I. PURPOSE

This policy is intended to implement the federal Equal Access Act, U.S.C. #4071, et seq., and the freedom of expression.

II. GENERAL STATEMENT OF POLICY

- a. In adopting this policy, the school district does not forego its authority to maintain an orderly and disciplined school environment.
- b. The secondary schools in this district shall have a limited public forum for student groups wishing to meet to engage in speech, subject to the following restrictions:
- c. All meetings shall be student-initiated and open to all students in the school. All student attendance at a meeting shall be voluntary.
- d. Students shall be permitted to meet during the non-instructional time of the individual students involved in the meeting, including before school, after school, during lunch or other non-instructional times. However:
 - i. no student shall be present at a meeting at a time when he or she has a class or is required by school rules to be elsewhere, unless permission from the classroom teacher is obtained; and
 - ii. No student shall be at a meeting at any time during which the school requires the particular student or all students to be off school property or outside the school building.
- e. No meeting may:
 - i. include any unlawful activity;
 - ii. materially and substantially interfere with the orderly conduct of educational activities within the school; or
 - iii. Undermine the educational mission of the School District.
- f. It is understood that the content of these student meetings is not sponsored

by the school district. The school district is neutral as to the content of these meetings.

- g. Students may invite outside speakers to their meetings.
- h. If students wish to meet under this policy, they must file a request to meet with the principal which lists:
 - i. the room in which they wish to meet and the time during which they will meet;
 - ii. the name of one student who will serve as the contact between the group and the school authorities; and
 - iii. If required, the teacher who will be present. The principal shall approve a meeting if it meets the requirements of this policy and shall notify the student contact person of approval or, if it does not meet the requirements of this policy, the reasons for disapproval within two (2) days of the submission of the request to meet. Once approved, a student group may continue meeting for the remainder of the school year, unless it subsequently violates this policy.
- i. In implementing this policy, the School District will not:
 - a. Influence the form or content of any prayer or other religious activity;
 - b. Require any person to participate in prayer or other religious activity;
 - c. Expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
 - d. Compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
 - e. Sanction meetings that are otherwise unlawful;
 - f. Limit the rights of groups of students based on the size of the group;
 - g. Abridge the constitutional rights of any person.

Reviewed: 12/99
04/08
05/14

007. STUDENTS

007.5 Freedom of Expression

007.52 Equal Access Act

007.521 Administrative Rules and Regulations

**ADMINISTRATIVE RULES AND REGULATIONS
POLICY ON EQUAL ACCESS ACT**

- I. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building at least 48 hours in advance of the time of the activity or meeting. The student must agree to the following:
 - a. All activities or meetings must comply with existing policies, regulations, and procedures that govern operation of school-sponsored activities.
 - b. The activities or meetings are voluntary and student initiated. The principal may require assurances of this fact.
- II. Student groups meeting under this policy must comply with the following rules:
 - a. Those attending must not engage in any activity that is illegal, dangerous, or which materially and substantially interferes with the orderly conduct of the educational activities of the school. Such activities shall be grounds for discipline of an individual student and grounds for a particular group to be denied access.
 - b. The groups may not use the school name, school mascot name, school emblems, the school district name, or any name that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.
 - c. The groups must comply with school policies, regulations, and procedures governing school-sponsored activities.
- III. Student applying for use of school facilities under this policy must provide the following information to the principal: time and date of meeting, estimated number of students in attendance, and special equipment needs.

IV. The building principal has responsibility to:

- a. Keep a log of application information.
- b. Find and assign a suitable room for the meeting or activity. The number of students in attendance will be limited to the safe capacity of the meeting space.
- c. Note the condition of the facilities and equipment before and after use.
- d. Assure proper supervision. Assignment of staff to be present in a supervisory capacity does not constitute school district sponsorship of the meeting or activity.
- e. Assure that the meeting or activity does not interfere with the school's regular instructional activities.

V. The school district shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The school district will provide no additional or special transportation.

VI. Non-school persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.

VII. School district employees or agents may not promote, lead, participate in, or otherwise sponsor meetings or activities held pursuant to this policy.

VIII. A copy of this policy and procedures shall be made available to each student who initiates a request to use school facilities.

Reviewed: 12/99
04/08
05/14

007. STUDENTS

007.6 Student Activities

007.61 Student Activity Program

I. PURPOSE

The purpose of this policy is to impart to students, employees and the community the school district's policy related to the student activity program.

II. GENERAL STATEMENT OF POLICY

School activities provide additional opportunities for students to pursue special interests that contribute to their physical, mental, and emotional well-being. Activity programs are designed to provide students with additional opportunities for growth and development.

III. RESPONSIBILITY

- A. The school board expects all students who participate in school-sponsored activities to represent the school and community in a responsible manner. All rules pertaining to student conduct and student discipline extend to school activities.
- B. The school board expects all spectators at school-sponsored activities, including parents, employees, and other members of the public, to behave in an appropriate manner at those activities. Students and employees may be subject to discipline and parents and other spectators may be subject to sanctions for engaging in misbehavior or inappropriate, illegal, or unsportsmanship-like behavior at these activities or events.
- C. It shall be the responsibility of the superintendent to disseminate information needed to inform students, parents, staff, and the community of the opportunities available within the school activity program and the rules of participation.
- D. Those students who participate in Minnesota State High School League (MSHSL) activities must also abide by the league rules. It shall be the responsibility of those employees who conduct MSHSL activities to familiarize students and parents with all applicable rules, penalties, and opportunities.
- E. The superintendent shall be responsible for conducting a regular evaluation of school activity programs and presenting the results and any recommendations to the school board.

IV. STUDENT PARTICIPATION IN CO-CURRICULAR ACTIVITIES

- A. It is the policy of the Board of Education that only students who are enrolled in District 508 will be permitted to participate in co-curricular activities sponsored by District 508 with the exception of the following circumstances:
1. All resident students receiving instruction in a home school located within the school district are eligible to participate fully in co-curricular activities on the same basis as public school students;
 2. Students from another school district are eligible to participate fully when the Board of Education enters into a formal agreement with their school district to co-sponsor an activity; or
 3. Students from a non-continuation school located within the School District's attendance boundaries are eligible to participate fully in an activity when the Board of Education enters into a joint agreement with their school.

V. TEAM PARTICIPATION IN CO-CURRICULAR ACTIVITIES

It is the policy of the Board of Education that Saint Peter High School athletic teams will participate only in those events sponsored by the Minnesota State High School League and will only be allowed to participate in the number of games and length of season as authorized by the Minnesota State High School League.

First Reading: December 16, 2013

Adopted: May 19, 2014

Reviewed:

007. STUDENTS
007.6 STUDENT ACTIVITIES
007.62 Field Trips

I. GENERAL STATEMENT OF POLICY

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

A. Instructional Trips

Trips that take place during the school day, relate directly to a course of study, and require student participation shall fall in this category. These trips shall be subject to review and approval of the building principal, and shall be financed by school district funds within the constraints of the school building budget. Fees may not be assessed against students to defray direct costs of instructional trips. Financial contributions by students may be requested (Minn. Stat. § 134B.37, Prohibited Fees).

B. Supplementary Trips

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

C. Extended Trips

An extended field trip is one that involves one or more overnights. Extended trips may be instructional or supplementary and must be requested well in advance of the planned activity.

1. General Guidelines

- a. All extended field trips are optional for students.

2. Preliminary Approval

- a. Preliminary approval must be granted prior to announcement of the trip to students or parents/guardians. It must include the education/activity objectives for the proposed extended field trip.
- b. Preliminary approval requires the principal and superintendent

signature.

- c. Preliminary approval authorizes the teacher/advisor to determine student and parent/guardian interest, acquire cost information, and generally access the feasibility of the trip.

3. Formal Approval

- a. The School Board acknowledges and appreciates the financial contributions of booster clubs and similar organizations in providing extended trip opportunities for students.
- b. After securing preliminary approval, an extended trip request form must be completed and approved at each level: teacher/advisor, principal, and superintendent.
- c. It must be approved before any contracted arrangements are made or any trip specific fundraising occurs.
- d. The contract(s) with providers and agents must be approved by the Business Manager in consultation with the teacher/advisor.
- e. Upon receipt of formal approval by the principal and superintendent, parents and guardians will be asked to sign a permission form authorizing their child's participation and accepting the conditions under which the trip was approved.
- f. A detailed itinerary and complete roster of participants and chaperones including the home addresses, phone number, and emergency contacts, shall be filed with the Principal before trip departure.

4. Additional Rules

- a. All costs will be assumed by participants. Donations and approved fundraisers will be accepted.
- b. Student participation or lack thereof shall not be subject to, or affect, the classroom grade.
- c. Trips will have prior approval. Typically no group or organization will be allowed more than one trip every two years.
- d. Regulations
 - 1. Rules of conduct and student discipline shall apply to all student trip activity.

2. The school administration shall be responsible for providing more detailed procedures, including parental involvement, supervision, and such other factors deemed important and in the best interest of students.
 3. Transportation will be furnished through a commercial carrier or school-owned vehicle. In the event a private vehicle is approved for use, a certificate of insurance must be on file in the School District office.
 4. An appropriate number of adult chaperones will be provided for the activity. Chaperones shall be selected by and are under the supervision of the teacher/advisor.
 5. Reasonable accommodation for students with disabilities shall be provided.
 6. Participants who violate regulations may be sent home from the extended field trip at the parent /guardian's expense.
- e. Trips not sponsored by the School District.

This category includes trips that involve district students and staff, but are organized and financed entirely by booster organizations, fund raising, and/or participants. Booster organizations or individuals occasionally may organize and fund trips that the School District does not sponsor. The School District encourages such trips for the purpose of enhancing the educational opportunities of students, subject to the following:

- (1) Since such trips are not sponsored by the School District, the School District will not be involved in funding or managing funds for the trip, nor will it assume any liability or responsibility for the participants.
- (2) Organizers of such trips shall clearly inform students and parents/guardians that the trip is not sponsored by the School District.
- (3) Other than incidental time and supplies, the organizers shall not use school time or resources for preparation, communications, or organization of fund-raising.

(4) If any school time is to be missed by student participants, parents/guardians must arrange to have their child excused according to normal building procedures.

(5) If any work time is to be missed by staff, it shall be unpaid; however, personal leave days may be used if available, in accordance with the applicable labor agreement.

First Reading: 06/10/04

Adopted: 07/08/04

Reviewed: 05/2014

007. STUDENTS

007.6 STUDENT ACTIVITIES

007.62 Field Trips

007.621 Administrative Rules and Regulations

**SAINT PETER PUBLIC SCHOOLS DISTRICT #508
FINAL APPROVAL FORM
EXTENDED FIELD TRIPS**

ADMINISTRATIVE RULES AND REGULATIONS

Field Trip _____

Teacher/Advisor _____

Dates of Trip _____

Destination _____

Trip is linked to what class/activity? _____

Objective of the Field Trip _____

Cost of the Field Trip _____

Please itemize projected costs:

Number of Students Participating _____ Number of Adult Chaperones _____

If the trip involves one or more overnights, background checks of chaperones will be required.

Cost per Student \$ _____

Travel Agent or Charter Company Planning the Trip: _____

Fundraisers planned (if more room is needed, please use the backside of this form). Include date/event:

Preliminary approval of the above stated field trip is required by site principal and superintendent prior to discussing trip with students and parents/guardians.

Site Principal's Signature: _____

Superintendent's Signature: _____

Date of Preliminary Approval: _____

Final approval of the above field trip is required by site principal and superintendent.

Site Principal's Signature: _____

Superintendent's Signature: _____

cc: Board of Education

007. STUDENTS

007.7 Notification of Student Behavior

007.71 Staff Notification of Violent Behavior by Students

I. PURPOSE

This policy addresses staff notification of violent behavior by students. The purpose of this policy is to address the circumstances in which data should be provided to classroom teachers and other school staff members about students with a history of violent behavior in order to serve the student and protect students and staff members. The policy incorporates a written notice to assure that appropriate data are made available to school staff members and to guarantee an accurate record of the data provided.

II. DEFINITIONS

For purposes of this policy on Staff Notification of Violent Behavior by Students (Policy) and the model notification form, terms have the following meaning:

A. Administration

“Administration” means the person or persons responsible for performing the school district’s obligations under this Policy and who shall be the superintendent or other designee.

B. Classroom Teacher

“Classroom Teacher” means the instructional personnel responsible for the course or room to which a student is assigned at any given time.

C. History of Violent Behavior

1. A student will be considered to have a history of violent behavior if incident(s) of violence have occurred as follows:

- a. Violent behavior that occurs prior to January 1 of a given school year will be considered to give rise to notice requirements under this Policy for that school year and the following school year.

- b. Violent behavior that occurs on or after January 1 of a given school year will be considered to give rise to notice requirements under this Policy for that school year and the two following school years.
2. If a student has an incident of violence within these time frames, that incident and all other past related or similar incidents of violence will be reported.

D. Incident(s) of Violence

“Incident(s) of violence” means willful conduct in which a student has threatened or caused physical injury to person(s) or significant damage to property, regardless of whether related to a disability or whether discipline was imposed. This does not include injury or damage that is accidental or is the result of negligence. An incident of violence includes an incident described in notices received from either law enforcement or the juvenile courts.

E. Legitimate Educational Interest

For purposes of federal and state law, a school staff member is determined to have a legitimate educational interest in data related to a history of violent behavior if the data requested are:

1. Necessary for that school staff member to perform appropriate tasks that are specified in his or her position description or by a contract agreement;
2. Used solely within the context of school business and not for purposes extraneous to the school staff member’s areas of responsibility or to the school;
3. Relevant to the accomplishment of a job-related task or to a determination about the student; and
4. Consistent with the purposes for which the data are maintained.

F. School Staff Member

“School Staff Member” includes:

1. A person licensed by the State and appointed by the school board to an administrative, supervisory, instructional or other professional position such as a principal, teacher, counselor or school psychologist;
2. A person employed by or under contract to the school board to perform a special task such as a paraprofessional, school bus driver, secretary, clerk, occupational therapist, coach, or the school board attorney for the period of his or her performance as an employee or contractor; and
3. A substitute for persons listed above for the period of his or her performance as a substitute.

III. STAFF NOTIFICATION

A. Recipients of Notice

Each classroom teacher of a student with a history of violent behavior (see Section II.C., above), will receive written notification from the administration prior to placement of the student in the teacher’s classroom. In addition, notice will be given by the administration to other school staff members who have a legitimate educational interest, as defined in this Policy, in the data.

D. Determination of Who Receives Notice

Detailed determination of which school staff members have a legitimate educational interest will be made by the administration.

School staff members who receive notice under this Policy may provide notice to someone substituting for them or for another staff member who has received notice. For example, if a paraprofessional who is absent has received notice, that paraprofessional, the classroom teacher, or the principal could tell the person temporarily replacing the paraprofessional.

C. Form of Written Notice

The notice given to school staff members must be in writing and must include the following:

1. Name of the student;
2. Date of notice;
3. The history of violent behavior as defined in Section II. of this Policy; and
4. Reminder of the private nature of the data provided.

If appropriate, the notice will also include any or all of the following:

1. Explanation of what occurred in each incident of violent behavior, if known, specifically including any mitigating factors;
2. Types of situations that might trigger violent behavior by the student, if known;
3. Successful strategies or interventions, if known; and
4. Documents that the staff member may review to assist understanding of the student (e.g. IEP or § 504 plan).

D. Record of Notice

The administration must keep a copy of the notice or other documentation to provide a record of those school staff members notified under this section. Retention of the written notice provided to school staff members is governed by the approved Records Retention Schedule.

E. Law Enforcement Reports

The administration must immediately forward to appropriate school staff members those notices related to an incident of violent behavior received from law enforcement pursuant to Minn. Stat. §121A.75. The law enforcement notice must be followed by the formal written notice set forth above within a reasonable time, not to exceed 10 business days. All other notices received from law enforcement pursuant to Minn. Stat. §121A.75 must be disseminated as required by that section. Retention of

the law enforcement notice is governed by Minn. Stat. §121A.75, Subd. 2(e).

IV. NOTICE TO OTHER SCHOOL DISTRICTS

When transferring records of a student with a history of violent behavior, administration must send to an enrolling school district, charter school or alternative education program all student records, including all data about the student's history of violent behavior, consistent with this Policy.

V. PARENTAL NOTICE

The administration will notify parents/guardians that it gives classroom teachers and other school staff members notice about students' history of violent behavior. This will be included as part of the Annual Notice of Rights required by FERPA and shall be provided to a parent/guardian at the time a Notice about the student's violent behavior under this Policy is first provided or if it is changed. In addition, the administration will notify parents/guardians that this Notice is an educational record and will be transferred to an enrolling school district.

Parents/guardians will be given notice that they have the right to review and challenge records or data, (including the data documenting the history of violent behavior), under both state and federal law as set forth in the school district Data Practices Policy.

First Reading: October 9, 2003
Approved: November 6, 2003

Reviewed: May 2014

007. STUDENTS

007.7 Directory

007.71

Staff Notification of Violent Behavior by Students

007.711 Administrative Rules and Regulations

**ADMINISTRATIVE RULES AND REGULATIONS
POLICY ON STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS**

INTRODUCTION: The 2003 session of the Minnesota State Legislature passed the Teacher Notification Law. The law provides that a classroom teacher has a legitimate educational interest in knowing which students, placed in the teacher’s classroom, have a history of violent behavior. The law requires notification of such situations in a timely manner and also allows for notification of other staff members who have direct or supervisory responsibilities with the student. The Saint Peter Board of Education adopted a policy to meet this requirement in November 2003. The following guidelines serve as rules and regulations for administering this policy.

TYPE OF INCIDENT REQUIRING NOTIFICATION: Notification shall occur whenever the school receives notification from law enforcement, or the courts, that a student has threatened or caused physical injury to person(s) or significant damage to property. Notification shall also occur whenever a student is suspended out of school (OSS) due to an incident in which the student has threatened or caused physical injury to person(s) or significant damage to property.

DETERMINATION OF WHO WILL BE NOTIFIED: The school administration will provide written notice to principals, each classroom teacher of the student, and any other staff members who are directly responsible for the student’s welfare of incidents requiring notification. This notification may include counselors, social workers, case managers, Para-professionals, coaches, bus drivers, etc. Staff members receiving such notification should be instructed to provide notice to substitutes of incidents that are reported.

TIMELINE FOR NOTIFICATION: Specific notification shall be given to school staff members within ten (10) days after obtaining knowledge of the incident and within ten (10) days after the start of each semester for the duration of the reporting timelines included in the policy.

RECORD OF NOTICE: School principals will maintain a record identifying each staff

member who received written notification of incidents of violent behavior by students. This record will be kept in the principal's lockbox maintained in each principal's office area.

PARENT/GUARDIAN NOTIFICATION MEMO: The following form will be sent to parents/guardians regarding notification of incidents of violent behavior involving their minor student(s).

TO: (name of parent/guardian)
FROM: (school administrator)
DATE:
RE: Notification of Serious Behavior Incident by Students

Based on School Board Policy and Minnesota Statute, school staff is required to receive notification of serious behavior incidents involving violence by students. Your student, _____, was involved in such an incident. Attached is a form sent to school staff on _____, 201___. Please note that the information in this form is private data under state and federal law. As a parent/guardian, you have the right to review and challenge records or data giving rise to this notification. If you have questions, please contact (name of building administrator).

NOTICE TO OTHER DISTRICTS: The following form will be sent to any enrolling school district, charter school, or alternative education program whenever a student with a history of violent behavior enrolls in such a program.

TO: (school)
FROM: (school administrator)
DATE:
RE: Notification of Serious Behavior Incident by Student

Based on Saint Peter Public Schools: ISD 508 Policy and Minnesota Statute, our school is required to send you notification of an incident involving violent behavior whenever the student transfers to another school district, a charter school, or an alternative education program. Attached is a notification sent to Saint Peter Public Schools staff regarding an incident involving _____. We have been

informed that _____ will be transferring to your school.

SAINT PETER PUBLIC SCHOOLS: ISD NO. 508
Notification to Staff of Serious Behavior Incident by Students

TO: (staff name)

FROM: (administrative official)

DATE OF NOTICE:

This notice is sent to inform you that the following student has been involved in an incident that requires staff to be notified by Minnesota Statute (Minn. Stat. 121A.64 and 121A.75). The notice is sent to assist you in helping this student to be successful and ensuring the safety of students and staff.

You can use what you have learned about the report of this incident only to the extent allowed by school district policy. The data on this form is private data under state and federal law and the student's privacy rights must be protected.

STUDENT'S NAME:

DESCRIPTION OF INCIDENT(S) OR ATTACHMENT OF DISCIPLINARY REFERRAL:

**If staff have a legitimate educational interest,
provide the following information:**

Description/Explanation of incident(s) if known (specifically include any mitigating factors, e.g. self-defense, defense of others, medication issues):

The types of situations that might trigger this type of behavior by this student, if known (e.g. triggers for frustration or anger):

Strategies or interventions that are successful with this student, if known:

The following documents may be available to you to review regarding this student:

- IEP
- §504 Plan
- Functional Behavioral Assessment
- Reports or statements by school staff
- Information provided by the parent or guardian

Additional information may be available to you based on your legitimate educational interest.

007. STUDENTS

007.8 Student Privacy

007.81 Protection and Privacy of Student Records

I. PURPOSE:

The purpose of the policy is to provide direction to the school district and the public regarding the protection and privacy of student records.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents/guardians and students are adopted by the School District, pursuant to the requirements of the Family Educational Rights and Privacy Act and the requirements of the Minnesota Government Data Practices Act.

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 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. Education Records

1. 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. 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;
 - (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 educational 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.

D. Eligible Student

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

E. Juvenile Justice System

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

F. 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;
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; or

4. Perform a task directly related to responding to a request for data.

G. 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 that provides to the contrary.

H. 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 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.

I. 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.

J. Responsible Authority

"Responsible authority" means the individual named by the building principal to maintain and secure student records.

K. Student

"Student" includes any individual who is or has been in attendance, enrolled or registered in the School District and regarding whom the

School District maintains education records. Student also includes applicants for enrollment or registration in the School District, and individuals who receive shared time educational services from the School District.

L. School Official

“School official” includes: (a) a person duly elected or appointed 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 police liaison officer, a clerk, a public information officer or data practices compliance official, an attorney or an auditor for the period of his or her performance as an employee or contractor.

M. 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.

N. 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 is 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 that 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 20 U.S.C. §1232g and the regulations promulgated thereunder.

V. STATEMENT OF RIGHTS

A. Rights of Parents/Guardians and Eligible Students

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

1. The right to be informed about rights under the federal law;
2. 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;
3. The right to obtain a copy of this policy at the location set forth in Section XXI of this policy or the Administrative Rules and Regulations related to this policy ;
4. The right to inspect and review the student's education records;
5. 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;
6. 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; and
7. 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 institutions.

B. Eligible Students

All rights and protections given parents/guardians 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/guardians of an eligible student who is also a "dependent student" as defined by the Internal Revenue Service, are entitled to gain access to the educational 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 consent of the parent/guardian 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/guardian 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; and
 - d. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - a. if the parent/guardian 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/guardian 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. 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 which 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 non-cancellable 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.

5. 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/guardian of the student shall thereafter only be accorded to and required of the eligible student, except as provided in the STATEMENT OF RIGHTS section 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/guardian 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, suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data is required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, the School District will provide the parent/guardian 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/guardian 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/guardians' 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/guardians or students by individuals other than representatives of the organization and 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 years;
8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents/guardians 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/guardian or eligible student of the order or subpoena in advance of compliance therewith so that the parent/guardian 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/guardian 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/guardian 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 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 the 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 educational 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;"
14. To military recruiting officers and post-secondary institutions pursuant to Section XI of this policy;
15. To the parent/guardian 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 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;
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/guardian 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, attendance

record, and photographs, if any; and any parents/guardians' names, home addresses, and telephone numbers;

b. the existence of the following information:

(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.

may be disclosed provided that a request for access is submitted on the statutory form explaining why access to the information is necessary to serve the student. No actual data or other information contained in the student's education record may be disclosed. Prior to releasing this information, the principal 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 needless vulnerability of the teacher, administrator, or other persons. The principal may also notify other School District employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individual need the information to work with the student in an appropriate manner, to avoid needless vulnerability of a teacher, administrator, or other persons. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation 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; or

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 educational 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 needless vulnerability of a teacher, administrator, or other persons. 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 educational 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. Information provided to the school district concerning sex offenders and other individuals required to register in accordance with the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and applicable federal guidelines.

VII. RELEASE OF DIRECTORY INFORMATION

A. Classification

Directory information is public except as provided herein. Directory information includes:

1. the student's name;
2. the student's grade level;
3. the student's weight and height of a member of an athletic team;
4. pictures of students participating or attending extra-curricular activities, school events, and high

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/Guardians

The School District may disclose directory information from the education records of a student and information regarding parents/guardians without prior written consent of the parent/guardian 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/guardians and eligible students of:
 - a. the types of personally identifiable information regarding students and/or parents/guardians that the School District has designated as directory information;
 - b. the parent's/guardian'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/guardian as directory information; and
 - c. the period of time in which a parent/guardian 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/guardian designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent/guardian 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/guardian's or eligible student's prior written consent, except as provided in the DISCLOSURE OF EDUCATION RECORDS section 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 V1.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's/guardian's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

1. Name of the student and/or parent/guardian, as appropriate;
2. Home address;
3. School presently attended by student;
4. Parent's/Guardian's legal relationship to student, if applicable; and
5. Specific categories of directory information to be made not public without the parent's/guardian'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/guardians will remain in effect for the remainder of the school year unless the parent/guardian 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/guardian 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/guardian 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/Guardian

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/guardian only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent/guardian 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/guardian 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/guardian 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 precluding parental access is in the minor's best interest;
 - d. whether the data in question is of such a nature that disclosure of it to the parent/guardian 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/guardian would seriously jeopardize the health of the minor.

- C. Private Records Not Accessible to Student
Students shall not be entitled to access private data concerning financial records and statements of the student's parent/guardian 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/guardians 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/guardian 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 an department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances

expressly authorized by law.

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

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

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

- A. The School District will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent/ guardian 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/guardian or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent/guardian or eligible student must notify the building principal, in writing, on an annual basis. The written request must include the following information:
 - 1. Name of student and parent/guardian, as appropriate;
 - 2. Home address;

3. Student's grade level;
 4. School presently attended by student;
 5. Parent's/Guardian's legal relationship to student, if applicable;
 6. Specific category or categories of information which are not to be released to military recruiters and post-secondary educational institutions; and
 7. Specific category or categories of information that are not to be released to the public, including military recruiters 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/guardians 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/guardian 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 the 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/guardian 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/guardian 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/guardian or student, or to parents/guardians 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, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII of Board policy, disclosures to a parent/guardian or student, disclosures to parents of a dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. 14071, inform the party to whom a disclosure is made of the requirements set forth in this section. 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 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 shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

- A. Parent/Guardian of a Student, an Eligible Student or the Parent/Guardian of an Eligible Student Who is Also a Dependent Student
The School District shall permit the parent/guardian of a student, an eligible student or the parent/guardian 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/guardian or eligible

student from exercising the right to inspect and review the education records, the School District shall provide the parent/guardian or eligible student with a copy of the records requested, or make other arrangements for the parent/guardian or eligible student to inspect and review the requested records.

D. Form of Request

Parents/guardians 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/guardian or eligible student wishes to inspect these records where they are maintained, the School District shall attempt to accommodate those wishes. The parent/guardian 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/guardian or eligible student may inspect and review or be informed of only the specific information that pertains to that student.

G. Authority to Inspect or Review

The School District may presume that either parent/guardian 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. The cost of providing copies shall be borne by the parent/guardian or eligible student.
 3. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent/guardian or eligible student if doing so would effectively prevent the parent/guardian or eligible student from exercising their right to inspect or review the student's education records.
 4. The School District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be actual search/retrieval and copying costs, plus postage if that is involved.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

The parent/guardian 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/guardian of the student or the eligible student of the refusal and advise the parent/guardian 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/guardian 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/guardian 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 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.

4. 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/guardian 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/guardian 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 the 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. The Data Practices Compliance Official is the School District Business Manager.

XVII. COMPLAINTS FOR NONCOMPLIANCE

- A. Where to File Complaints
Complaints regarding alleged violations of rights accorded parents/guardians and eligible students by 20 U.S.C. §1232g, 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. 20202-4605.
- 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 20 U.S.C. §1232g and the rules promulgated thereunder has occurred.

XVIII. WAIVER

A parent/guardian or eligible student may waive any of his or her rights provided herein pursuant to 20 U.S.C. §1232g. A waiver shall not be valid unless in writing and signed by the parent/guardian or eligible student. The School District may not require such a waiver.

XIX. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by the School District shall be controlled by state and federal law.

XX. COPIES OF POLICY

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

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Adopted: 07/08/04
Reviewed: 12/09
07/10
05/14

007. STUDENTS

007.8 Student Privacy

007.81 Protection and Privacy of Student Records

007.811 Administrative Rules and Regulations

ADMINISTRATIVE RULES AND REGULATIONS

I. Steps to be Taken by the School Principal

The following provisions apply to the student records policy as mandated by the Family Educational Rights and Privacy Act.

- A. Each Building Principal must annually notify parents/guardians and students 18 years of age or older of the following:
 - (1) The procedure to inspect and review education records.
 - (2) The procedure to request amendment of education records.
 - (3) The location of the District policy on education records.
 - (4) Notification of the right to file a complaint about compliance with the District policy on student records.
 - (5) The type of information considered Directory Information.
*A notification form for this purpose is found on Attachment "A" to these Administrative Rules and Regulations.
- B. The Building Principal must also make provisions to notify parents/guardians who have a primary language other than English or who are identified as disabled about the policy.
- C. In addition, the Building Principal shall identify an individual in the building to be the "responsible authority."

II. Plan for Securing Student Records

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

- A. A description of records maintained;
- B. Titles and addresses of person(s) responsible for the security of student records;
- C. Location of student records, by category, in the buildings; and
- D. Means of securing student records.
- 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 that indicates:
 - a. the parties who have requested or received personally identifiable information from the education records of the student; and
 - 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; and
 - 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 which education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosures.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent/guardian of a student or an eligible student, disclosures pursuant to the written consent of a parent/guardian 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/guardian 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
 - d. 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 individuals 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.

007. STUDENTS

007.8 Student Privacy

007.82 Student Surveys

I. GENERAL STATEMENT OF POLICY

Student surveys may be conducted as determined necessary by the school district. Surveys, analyses and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h.

II. STUDENT SURVEYS IN GENERAL

- A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student. No attempt will be made in any way to identify a student survey participant. No survey questions may be discriminatory in nature based on age, race, color, sex, disability, religion, or natural origin. There will be no requirement that the student return the survey, and no record of the student's returning a survey will be maintained.
- B. Any survey that seeks probing personal and/or sensitive information must be approved by the building principal.
- C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered unless the parent or guardian is notified in writing that such survey is to be administered. The parent or guardian can grant written permission for the student to participate or opt out of the survey depending on how the survey is funded.
- D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

III. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM

- A. All instructional materials, including teacher's manuals, films, tapes, or

other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.

- B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent/guardian, to submit to a survey that reveals information concerning:
1. political affiliations or beliefs of the student or the student's parent/guardian;
 2. mental and psychological problems of the student or the student's family;
 3. sex behavior or attitudes;
 4. illegal, antisocial, self-incriminating, or demeaning behavior;
 5. critical appraisals of other individuals with whom respondents have close family relationships;
 6. legally recognized, privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. religious practices, affiliations, or beliefs of the student or the student's/guardian's; or
 8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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