



**Board Policy Committee Meeting**  
Thursday, May 12, 2022 4:15 PM  
Location: District Office  
104 - 5th Avenue South  
South St Paul, Minnesota 55075

**Agenda**

<b>I. Policy Review</b>	
A. #102 - Equal Education Opportunity Policy	3
B. #104 - School District Mission Statement Policy	5
C. #307 - School Closing Policy	6
D. #404 - Employee Background Check Policy	13
E. #413 - Harassment and Violence Policy	17
F. #418 - Drug-Free Workplace/Drug-Free School Policy	30
G. #419 - Tobacco-Free Environment Policy	34
H. #437 - Student Teaching Policy	38
I. #474 - Staff Information Technology Acceptable Use Policy	46
J. #501 - School Weapons Policy	58
K. #502 - Search of Student Lockers, Desks, Personal Possessions, and Student's Person	63
L. #503 - Student Attendance Policy	66
M. #504 - Student Dress and Appearance Policy	73
N. #505 - Distribution of Non-School Sponsored Materials on School Premises by Students and Employees Policy	75
O. #512 - School-Sponsored Student Publications and Activities Policy	81
P. #513 - Student Promotion, Retention, and Program Design	85
Q. #514 - Bullying Prohibition Policy	88
R. #515 - Protection and Privacy of Pupil Records	98
S. #516 - Student Medication Policy	131
T. #518 - DNR-DNI Orders Policy	137
U. #521 - Student Disability NonDiscrimination Policy	139
V. #522 - Student Sex NonDiscrimination Policy	142
W. #526 - Hazing Prohibition Policy	161
X. #528 - Student Parental, Family and Marital Status Nondiscrimination	167
Y. #530 - Immunization Requirements Policy	169
Z. #531 - The Pledge of Allegiance Policy	173
AA. #534 - Wellness	174
BB. #536 - Student Information Technology Acceptable Use Policy	184

CC. #550 - Attendance at State Tournaments Policy	193
DD. #608 - Instructional Services - Special Education Policy	195
EE. #611 - Home Schooling Policy	196
FF. #613 - Graduation Requirements Policy	200
GG. #801.1 - Naming of Facilities Policy	204
II. <b>Other Items Deemed Necessary by the Board Policy Committee</b>	



Adopted: April 17, 1996

MSBA/MASA Model Policy 102

Orig. 1995

Revised: 5/24/04, 6/26/06; 4/13/15  
7/25/16; 6/10/19; 5/26/20; 6/14/21; 6/27/22

Rev. 2021 17

## 102 EQUAL EDUCATIONAL OPPORTUNITY

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age. The school district also makes reasonable accommodations for disabled students with disabilities.

*[Note: Part of the definition of “sexual orientation” within the Minnesota Human Rights Act (MHRA) is “having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness,” which is how gender identity and expression gain protection under the MHRA. Minn. Stat. § 363A.03, Subd. 44.]*

- B. The school district prohibits the harassment and discrimination of any individual for any of the categories listed above based on any of the protected classification listed above. For information about the types of conduct that constitute violation of the school district’s policy on harassment and violence and the school district’s procedures for addressing such complaints, refer to the school district’s policy on harassment and violence (Policy 413).
- C. The school district prohibits discrimination of students with a disability, within the intent of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), who need services, accommodations, or programs in order to receive a free appropriate public education. For information as to protections that may apply pursuant to Section 504 and the school district’s corresponding procedures for addressing disability discrimination complaints, refer to the school district’s policy on student disability nondiscrimination (Policy 521).
- D. The school district prohibits sexual harassment discrimination of any individual on the basis of sex in its education programs or activities. For information as to the protections that apply pursuant to Title IX and school district’s corresponding procedures and processes for addressing sexual harassment and discrimination

refer to the school district's policy on Title IX sex nondiscrimination (Policy 522).

- E. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- F. Every school district employee shall be responsible for complying with this policy conscientiously.
- G. Any student, parent or guardian having questions regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the superintendent.

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
20 U.S.C. § 1681 *et seq.* (Title IX of the Education Amendments of 1972)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)



*Adopted: November 8, 2004*

*MSBA/MASA Model Policy 104*

*Orig. 1997*

*Revised: 10/24/05; 11/13/06; 10/27/08; 4/13/15  
7/25/16; 6/10/19; 5/26/20; 6/14/21; 6/27/22*

*Rev. 2004*

## **104 SCHOOL DISTRICT MISSION STATEMENT**

### **I. PURPOSE**

- A. The purpose of this policy is to establish a clear statement of the purpose for which the school district exists.

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

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

### **III. MISSION STATEMENT**

- A. The mission statement for South St. Paul Public Schools, Special School District 6 is as follows:
- B. Ignite a passion in every learner to inquire, continuously improve and engage in positively changing our world.

### **IV. REVIEW**

- A. The school board will review the school district's mission every two years, especially when members of the board change. The school board will conduct a comprehensive review of the mission, including the beliefs and values of the community, every five to seven years.

*Legal References:* Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement)  
Minn. Rule Parts 3501.0010-3501.0180  
Minn. Rule Parts 3501.0200-3501.0270



*Adopted: January 24 1984*

*Revised: 5/19/92, 5/24/04; 2/9/09; 3/26/12; 11/25/13; 10/27/14; 7/25/16;  
6/26/17; 9/10/18; 6/24/19; 7/27/20; 9/27/21; 6/27/22*

## **307 EMERGENCY CLOSING OF SCHOOLS**

### **I. PURPOSE**

The purpose of this policy is to clarify the procedures and public notifications for closing of school district facilities due to hazardous weather or other emergency conditions.

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

The superintendent or designee is empowered to close any or all school district facilities or to alter the start or ending time of a school or program in the event of hazardous weather or conditions that threaten the health and safety of students or district employees.

### **III. GENERAL FACTORS**

Factors to be considered in the decision to close a facility or to alter the start or ending time of a school or program include:

- A. Existing and predicted weather conditions
- B. Advice of the transportation contractors concerning driving, drivers, traffic and parking conditions affecting all transportation, public and private.
- C. Actual occurrence or imminent possibility of any emergency condition that would make programs or facilities operation difficult or dangerous.
- D. Inability of employees to report to duty, which might result in inadequate operation of district facilities, or deficient supervision or instruction of students.
- E. Discussion with neighboring school districts experiencing similar weather or emergency conditions

### **IV. NOTIFICATION**

- A. Emergency closing, late start, and early release (“emergency closing”) procedures will be publicized each school year, and actual emergency closings will be announced through school district communication mediums and local media outlets.
- B. Whenever possible, the decision to close school for the day will be made by 5:30 a.m. and notification to students and families will occur at least two hours prior to normal K-12 school start time. In the event of a school delay or early dismissal, decisions will be made as soon as possible to provide appropriate notification to staff and families.

- C. If a student flex learning day is declared, it will be included in the communication to families, students and staff.
- D. Student and/or staff make-up days may be declared as needed.
- E. When an emergency closing occur, employees will observe the terms of their respective contracts concerning reporting for work (see Appendix I).
- F. Each school or district facility will develop a facility plan detailing procedures for facility-specific emergency closing. The facility plan will be in accordance with overall district procedures and guidelines.

## V. EMERGENCY CLOSING IMPLEMENTATION

- A. Late start
  - 1. If a late start is declared (i.e. two-hour delay), staff, students, and parents should continue to monitor media reports and/or district website for additional announcements, change in status or possible closing.
  - 2. When a late start is declared:
    - a. All morning Adult Basic Education (ABE) classes are cancelled
    - b. Kids' Choice will start late, in accordance with the emergency announcement (e.g. two hours late)
    - c. Central Square Community Center/Community Education will start late, in accordance with the emergency announcement (e.g. two hours late)
    - d. All morning Early Childhood (ECSE and ECFE) and Community Preschool classes are cancelled
    - e. After-school and evening activities, including ABE, ECFE, Kids' Choice, and Central Square Community Center/Community Education activities will take place as scheduled.
- B. School Cancellation
  - 1. When conditions are so adverse that travel and normal school operations are most difficult, if not impossible, or other emergencies occur, the schools will be closed for the entire day.
  - 2. In general, all student and public activities in the district buildings will be cancelled when schools are closed. Exceptions are to be cleared by the Superintendent of Schools (see Appendix II).
- C. Early dismissal:
  - 1. Whenever possible, the District will avoid calling for an early dismissal that results in sending students home school early (either by bus or foot),

recognizing the additional challenge or burden such a decision can place on families.

2. If it is determined by the Superintendent of Schools that it is a prudent decision to send students home early, it will be done by the advancement of all building dismissal and bus schedules on an hourly time basis.
3. When an early dismissal is declared, the following programs are as noted:
  - a. Afternoon and evening Adult Basic Education (ABE) classes may be cancelled
  - b. Afternoon and evening ECFE and preschool programs may be cancelled
  - c. After-school Kids' Choice will be canceled



## Appendix I to Policy 307

### EMPLOYEE RESPONSIBILITIES AND REPORTING PROCEDURES FOR EMERGENCY SCHOOL CLOSINGS

#### 1. SCHOOLS CLOSED: UP TO SEVEN (7) DAYS

The district may declare up to seven emergency flex learning days based on school closings; five of the possible flex learning days are reserved specifically for weather-related closings and two of the possible flex learning days are reserved for any type of school closing. Employees follow the parameters listed below:

For each of the sites/departments noted below, the district will ensure that one pre-designated administrator, clerical and custodial staff member (one from each group) will report to work:

- Secondary Building (administrator, clerical, custodial)
- Kaposia Education Center (administrator, clerical, custodial)
- Lincoln Education Center (administrator, clerical, custodial)
- SSP Ed. Center/Community Learning Center (one designee only)
- District Office (one designee only)
- Family Education Center (one designee only)
- Central Square Community Center/Community Education (one designee only)

#### Custodial and Maintenance Employees

Full-time employees will report to work as designated by supervisor. Full-time employees who do not report to work will use available time off or take leave without pay. Part-time employees do not report to work and are not paid, unless designated by supervisor.

#### Directors, Principals, Assistant Directors/Coordinators, District Support, Technology and 12-month Clerical and 12-month Student Support employees

Employees have the option to report to work, work from home, or use available time off. Employees are to obtain pre-approval from their supervisor, identifying which option they will select and the respective work plans.

#### Teachers

Employees have the option to report to work or work from home when an emergency flex learning day is declared. Employee who work from home must be able to meet the expectations of the flex learning plan.

#### Kids' Choice Paraprofessionals (12-month employees)

Employees do not report to work, but have the following options:

- Make-up time by participating in approved professional development within a designated timeframe
- Use available vacation or personal leave time
- Take leave without pay

Paraprofessionals, Clerical, Student Support and Nutrition Services employees who work less than 12-months:

Employees do not report to work, but have the following options:

- Make-up time by participating in approved professional development within a designated timeframe
- Use available vacation or personal leave time
- Take leave without pay

Building Supervisors/Instructors (Central Square Community Center/Community Ed.)

Employees do not report to work and are not paid.

Substitutes

Substitute employees do not report to work and are not paid.

2. **SCHOOLS CLOSED: EIGHT (8) DAYS AND BEYOND**

Student and staff make-up days may be declared in the event of three (3) or more school closings from a combination of non-weather closings (days 1-3) or weather-related closings (days 6-8). The first two of any combination of these closing days will be declared flex learning days. When schools are closed and make-up days are necessary, employees shall follow the parameters listed below:

For each of the sites/departments noted below, the district will ensure that one pre-designated administrator, clerical and custodial staff member will report to work:

- Secondary Building (administrator, clerical, custodial)
- Kaposia Education Center (administrator, clerical, custodial)
- Lincoln Education Center (administrator, clerical, custodial)
- SSP Ed. Center/Community Learning Center (one designee only)
- District Office (one designee only)
- Family Education Center (one designee only)
- Central Square Community Center/Community Education (one designee only)

Custodial and Maintenance Employees

Full-time employees will report to work as designated by supervisor. Full-time employees who not report to work will use available time off or take leave without pay. Part-time employees do not report to work and are not paid, unless designated by supervisor.

Directors, Principals, Assistant Directors/Coordinators, District Support, Technology and 12-month Clerical and 12-month Student Support employees

Employees have the option to report to work, work from home, or use available time off. Employees are to obtain pre-approval from their supervisor, identifying which option they will select and the respective work plans.

Teachers

Employees do not report to work and will be expected to work on the designated make-up day(s) as determined by the School Board.

Kids' Choice Paraprofessionals (12-month employees)

Employees do not report to work, but have the following options:

- Make-up time by participating in approved professional development within a designated timeframe
- Use available vacation or personal leave time
- Take leave without pay

Paraprofessionals, Clerical, Student Support and Nutrition Services employees who work less than 12-months:

Employees do not report to work and will be expected to work on the designated make-up day(s) as determined by the School Board.

Building Supervisors/Instructors (Central Square Community Center/Community Ed.)

Employees do not report to work and are not paid.

Substitutes

Substitute employees do not report to work and are not paid.

**3. LATE START**

When a late start is called (i.e. two-hour delay), district staff are to report, unless otherwise noted below, as soon as practical and as conditions allow.

Kids' Choice Paraprofessionals (12-month employees)

Employees report as noted in the announcement (e.g. if a two-hour delay is called, then staff should report two hours later than their usual reporting time).

Building Supervisors/Instructors (Central Square Community Center/Community Ed)

Employees report as noted in the announcement (e.g. if a two-hour delay is called, then staff should report two hours later than their usual reporting time.)



## **Appendix II to Policy 307**

### **GUIDELINES FOR CANCELLING AFTER-SCHOOL ACTIVITIES**

1. When the school district is closed prior to the start of the school day due to hazardous weather, all buildings are closed to activities and building use, unless otherwise designated under paragraphs 7 and 8 below. District offices and the district buildings and grounds department may need to be open to facilitate the removal of snow and ice so that school can reopen the following day.
2. When an individual school is closed due to building-related problems, a determination about after-school activities will be made with the principal, superintendent or designee, director of buildings and grounds, and the facility scheduler, as may be necessary.
3. On occasions when school is in session but weather concerns arise after school has begun, a decision must be made about activities and/or building usage scheduled after school. A decision will be made on a district-wide basis by the superintendent or designee. This decision will be made and communicated as early as possible but may not always be made by the close of the school day. Upon closure, notification will be initiated by the Superintendent or designee.
4. All school/building closure announcements will be posted as soon as practical on the district website, distributed via appropriate district communication channels, and sent to local media outlets.
5. For county, state or other multijurisdictional events, a separate determination will be made by the superintendent or designee.
6. Saturday and Sunday events or activities may also need to be cancelled due to hazardous weather or building-related problems. The superintendent or designee will make a decision on a district-wide basis. Upon closure, notification will be initiated by the Superintendent or designee.
7. On occasion, the superintendent, in consultation with the principal, activities director, director of buildings and grounds, facility scheduler, and/or designee may decide to hold voluntary varsity extra-curricular activities in an effort to continue with seasonal competitions. Such a decision will be made on a case-by-case basis. In the event that a decision is made to hold a practice or competition on a day in which school or other activities are canceled, coaches/advisors are prohibited from penalizing a player/participant who is not able to attend the voluntary practice or event. Communication about individual activity practices and events will be the responsibility of the activity's coach/advisor.
8. Offsite events and Minnesota High School League sponsored special events (e.g. hockey, skiing, tournaments) need special consideration because the venues have been reserved. The superintendent or designee and activities director will make a determination regarding these events. An announcement will be initiated by the Superintendent or designee if activities are cancelled.



*Adopted: April 28, 1997*

*MSBA/MASA Model Policy 404*

*Orig. 1995*

*Revised: 6/14/04; 4/25/11, 12/11/17, 8/13/18  
5/26/20; 6/14/21; 6/27/22*

*Rev. 2009*

## **404 EMPLOYMENT BACKGROUND CHECKS**

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for individuals who receive an offer of employment with the school district, athletic or academic coaches regardless of whether compensation is paid, volunteers, independent contractors and student employees in the school district.

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

- A. The school district shall require that applicants for school district positions who receive an offer of employment, volunteers and on individuals who are offered the opportunity to provide athletic coaching and services or other extracurricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by the school district that an applicant's criminal history does not preclude the applicant from employment with the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, independent contractors and student employees.

### **III. PROCEDURES**

- A. Normally an individual will not commence employment or provide service until the school district receives the results of the criminal history background check. The school district may conditionally hire an individual pending completion of the background check, but shall notify the individual that the individual's employment may be terminated based on the result of the background check. Background checks will be performed by a third party vendor that includes a Minnesota Bureau of Criminal Apprehension (BCA) report and meets and/or

exceeds Minn. Stat. § 1387. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services (paid or volunteer) to the school district, or to volunteer for the district, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check. The employee will pay an amount for the criminal history background check that does not exceed the actual cost of the service. An employee who accepts employment will be responsible for paying the cost of the criminal background check with the amount deducted out of one of the first paychecks the employee receives or paid by the employee at the time the criminal background check is completed. School or program volunteer criminal background checks may be paid by the district.
- C. The school district, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board (PELSB) or the commissioner of education within the 12 months preceding an offer of employment due to PELSB performing background checks for new applications and renewal applications for teacher licensure.
- D. The school district may use the results of a criminal background check conducted at the request of another school hiring authority if:
  - 1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
  - 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
  - 3. the individual executes a written consent form giving the school district access to the results of the check; and
  - 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the applicant for employment.
- E. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- F. Copies of this policy shall be available on the school district's website and will be distributed to applicants for employment school/program volunteers and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching or services, upon request. The need to

submit to a criminal history background check may be included with the basic criteria for employment in the position posting and position advertisements.

- G. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- H. Criminal Background Screening Standards are included with this policy.
- I. If the criminal history background check precludes employment with the school district, the applicant will be so advised.
- J. The school district may apply these procedures to volunteers, independent contractors or adult student employees.
- K. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions that are subject to a background check and the extent of the school district's discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication.

***Legal References:***

Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)  
Minn. Stat. § 1387, Subd. 1 (Criminal History Data)  
Minn. Stat. § 123B.03 (Background Checks)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background Check Act)  
Minn. Stat. § 364.09(b) (Exception for School Districts)

***Cross References:***



## **Criminal Background Screening Standards**

The South St. Paul School District seeks to maintain a safe and healthy educational environment that promotes the physical, social and psychological well-being of all students. All new employees and volunteers must receive a criminal background check prior to starting employment or a volunteer assignment with the School District. An individual will be disqualified and prohibited from serving as an employee or volunteer if that individual has been found guilty or entered a plea of non-contender (no contest), regardless of the adjudication for any of the following disqualifying offenses:

### **1. Sex Offenses**

A. All Sex offenses - regardless of the amount of time since the offense

Examples: Child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.

### **2. Felonies**

A. All Violent Felony offenses - regardless of the amount of time since the offense

Examples: Murder, manslaughter, rape, aggravated assault, kidnapping, robbery, aggravated burglary, etc.

B. Any other Felony offenses within the past ten (10) years.

Examples: Drug offenses, theft, embezzlement, fraud, child endangerment, etc.

### **3. Misdemeanors**

A. All Violent Misdemeanor offenses, including those involving probation or open cases, within the past five (5) years, or multiple offenses within the past seven (7) years.

Examples: Simple drug possession, drunk and disorderly conduct, public intoxication, possession of drug paraphernalia, etc.

B. Any other Misdemeanor offense, including those involving probation or open cases, within the past five (5) years that would be considered a potential danger to children, or is directly related to the functions of that employee or volunteer.

Examples: Contributing to the delinquency of a minor, providing alcohol to a minor, theft (if person is handling monies), etc.

The district reserves the discretion to consider factors and information, including whether the nature of the offense implicates a behavior that is contradictory to an individual's job description, when making employment decisions.



Adopted: September 8, 1997

MSBA/MASA Model Policy 413

Orig. 1995

Revised: 4/26/04; 8/28/06; 11/23/09; 11/25/13  
11/23/15; 12/10/18; 6/10/19; 5/26/20; 6/14/21  
6/27/22

Rev. 2021 ~~17~~

## 413 HARASSMENT AND VIOLENCE

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

regard to public assistance, sexual orientation, including gender identity or expression or disability and to discipline or take appropriate action against any student, teacher, administrator or other school district personnel who is found to have violated this policy.

- E. Because there are multiple, overlapping laws governing the school district's response to allegations of sexual harassment, all allegations of sexual harassment are subject to policy 522.

### III. DEFINITIONS

A. Assault is:

1. an act done with intent to cause fear in another of immediate bodily harm or death;
2. the intentional infliction of or attempt to inflict bodily harm upon another; or
3. the threat to do bodily harm to another with present ability to carry out the threat.

B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' Protected Class. ~~face, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression or disability~~ when the conduct:

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

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications; Definitions

1. "Disability" means, with respect to an individual who: ~~any condition or characteristic that renders a person a disabled person. A disabled person is any person who:~~

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

F. Sexual Harassment; Definition

1. Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
- b) Submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- c) That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.

2. Sexual harassment may include, but is not limited to:

- a) Unwelcome verbal harassment or abuse
- b) Unwelcome pressure for sexual activity
- c) Unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
- d) Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- e) Unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression

G. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which that involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statutes section 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

2. Sexual violence may include, but is not limited to:
  - a) touching, patting, grabbing, or pinching another person's intimate parts, ~~whether that person is of the same sex or the opposite sex;~~
  - b) coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
  - c) coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d) threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

1. Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to ~~an individual's Protected Class. , race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression or disability.~~

#### IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of a person's ~~Protected Class. , race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression or disability~~ by a student, teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct ~~which~~ ~~that~~ may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.

- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. 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.
- D. In Each School Building. The building principal, the principal’s designee, or building supervisor (hereinafter the “building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy, at the building level. Any adult school district personnel, who receive a report of harassment or violence prohibited by this policy, shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or school district’s 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.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fails to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the building report taker principal. If the complaint involves the building report taker.

- G. In the District. The school board hereby designates the Director of Human Resources as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. 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.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

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

Consequences for other individuals engaging in prohibited acts of violence or

harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of an investigation that determines a violation of this policy 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 behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.

- B. 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 **targets or victims and alleged perpetrators of harassment or violence, the** parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence 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) 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 acts of harassment or violence.

## **VII. RETALIATION OR REPRISAL**

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

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

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

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

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes Chapter 260E 626.556 may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence or abuse.

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

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

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. **Ch. 260E § 626.556 et seq.** (Reporting of Maltreatment of Minors)  
20 U.S.C. § 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)  
29 U.S.C. § 794 (**Section 504 of the** Rehabilitation Act of 1973 **§ 504**)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)  
42 U.S.C. § 1201 *et seq.* (Americans with Disabilities Act)

***Cross References:***

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (**Title IX Sex Nondiscrimination, Grievance Procedures and Process** ~~Student Sex Nondiscrimination~~)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)



## HARASSMENT AND VIOLENCE REPORT FORM

### General Statement of Policy Prohibiting Harassment and Violence

Special School District No. 6 maintains a firm policy prohibiting all forms of discrimination.

Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant \_\_\_\_\_

Home Address \_\_\_\_\_

Work Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation, including gender identity and expression \ disability

Name of person you believe harassed or was violent toward you or another person or group. \_\_\_\_\_

If the alleged harassment or violence was toward another person, identify that person or group. \_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.) \_\_\_\_\_

Where and when did the incident(s) occur? \_\_\_\_\_

List any witnesses that were present \_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_ has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
(Complainant Signature)

\_\_\_\_\_  
(Date)

Received by: \_\_\_\_\_

\_\_\_\_\_  
(Date)



*Adopted: October 28, 1996*

*MSBA/MASA Model Policy 418*

*Orig. 1995*

*Revised: 6/14/04; 10/27/08, 11/23/15; 11/26/18  
6/10/19; 5/26/20; 6/14/21; 6/27/22*

*Rev. 2015*

## **418 DRUG FREE WORKPLACE/DRUG-FREE SCHOOL**

### **I. PURPOSE**

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

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

- A. Use of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, controlled substances, or any medical cannabis in any school location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

### **III. DEFINITIONS**

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant for; or (4) any other method, excluding smoking, approved by the commissioner.

- D. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- E. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

#### **IV. EXCEPTIONS**

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

#### **V. PROCEDURES**

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, must comply with the school district’s student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.

- C. New employees shall be provided with written summary of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy summary. Policies are accessible to all employees on the school districts' website.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any childcare facility.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## **VI. ENFORCEMENT**

### **A. Students**

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

### **B. Employees**

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.

3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

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

**Legal References:**

- Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
- Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
- Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
- Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
- Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
- Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
- Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)
- 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
- 20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)
- 21 U.S.C. § 812 (Schedules of Controlled Substances)
- 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
- 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

**Cross References:**

- MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
- MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
- MSBA/MASA Model Policy 506 (Student Discipline)
- MSBA/MASA Model Policy 516 (Student Medication)



Adopted: June 14, 2004

Revised: 5/10/10; 11/23/15; 11/26/18  
6/10/19; 5/26/20; 6/14/21; 6/27/22

*MSBA/MASA Model Policy 419*

Orig. 1995

Rev. 2022 ~~20~~

**419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION AND INSTRUCTION EDUCATION**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

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

### III. DEFINITIONS

- A. “Electronic delivery device” means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices include but **is are** not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. **An** electronic delivery device includes any component part of a product, whether or not marketed or sold separately. **An** electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- B. “Heated tobacco product” means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. “Tobacco” means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including, but not limited to, cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.
- D. “Tobacco-related devices” means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marked or sold separately.
- E. “Smoking” means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. “Vaping” means using an activated electronic delivery device or heated tobacco product.

#### **IV. EXCEPTIONS**

- A. A violation of this policy does not occur when an American Indian adult lights tobacco on school district property as a part of a traditional American Indian spiritual or cultural ceremony. An American Indian is a person who is a member of an Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult non-student possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

#### **V. VAPING PREVENTION INSTRUCTION**

- A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. The school district may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school district's locally developed health standards.

#### **VI. ENFORCEMENT**

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.

- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for not exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

**VII. DISSIMINATION OF POLICY**

- A. A summary of this policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

*Legal References:* Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)  
Minn. Stat. § 144.411 – 144.417 (Minnesota Clean Indoor Air Act)  
Minn. Stat. § 609.685 (Sale of Tobacco to **Persons Under Age 21 Children**)  
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

*Cross References:* MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
**MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior**



*Adopted: November 26, 2007*

*Revised: 9/22/08; 12/11/17; 6/10/19; 5/26/20; 6/14/21  
6/27/22*

## **437 STUDENT TEACHING**

### **I. PURPOSE**

- A. This policy defines and supports the student teacher program in South St. Paul Public Schools.

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

- A. The school district is committed to advancing the future of educators by participating in student teaching with cooperating colleges, universities and technical schools. The district's teachers are encouraged to serve in a supervisory role for future educators. District teachers will remain accountable for the learning, assessment and grading that occurs in the classroom when a student teacher is present.

### **III. DEFINITIONS**

- A. Observation is defined as a student conducting observations in a school setting.
- B. Field Experience is defined as student tutors individuals or small groups and provides assistance as requested in a school setting
- C. Student Teaching/Advanced Practicum is defined as a student who provides tutoring, completes classroom duties, and develops or delivers lessons plans. Counselors or school psychologists perform specific duties based on course requirements. Student teachers are those who have completed at least two years of an approved teacher preparation program. The building principal and/or department leader will determine the number of trainees to be placed in the schools at any one time.

### **IV. COOPERATIVE AGREEMENTS**

- A. Colleges, universities and technical schools are required to regularly renew their district cooperative agreement (Appendix II) for student teaching supervision with South St. Paul Public Schools. The director of human resources will bring such agreements to the school board for action.

- B. The director of human resources will ensure the agreement requirements are met and give district approval for the mutual agreements with the college, university or technical school.
- C. For the school district to participate in a cooperative agreement, the postsecondary institution’s teacher preparation program must meet the standards established by the State of Minnesota. Exceptions to this requirement maybe considered based on the recommendation of the Minnesota Department of Education.
- D. Requests from postsecondary institutions are processed through the Human Resources Department. The district will follow all terms of the cooperative’s agreement that do not conflict with district policies.

**V. OTHER TEACHER PREPARATION EXPERIENCES IN SCHOOLS**

A. Approval of Other Experiences

The building administrator may approve other classroom experiences with postsecondary institutions’ teacher education programs for other teacher preparation opportunities in the classroom. These experiences may include, but are not limited to:

- Classroom observation
- Field experience

B. Teacher Supervision

The district supervising teacher is responsible at all times for the supervision of the classroom and has the responsibility to advise and guide the student from the postsecondary institution. During those times the student teacher is to have lead teaching responsibilities in class, the district supervising teacher is required to remain in the classroom. The district teacher is responsible for all learning, assessment and grading that occurs in the classroom.

**Legal References:**

- Minn. Stat. § 122A.09 (Duties)
- Minn. Stat. § 122A.40 (Employment, Contracts, Termination)
- Minn. Stat. § 122A.69 (Practice or Student Teachers)

**Cross Reference:**

- MSBA/MASA Model Policy 403 (Employee-Student Relationship)
- MSBA/MASA Model Policy 404 (Employee Background Checks)

## Appendix I to Policy 437 - Student Teaching

### I. ROLES & RESPONSIBILITIES

- A. Building administrator approval is required for all placements and will notify families when a classroom has been assigned a student teacher. Building administrators will conduct a formal observation with student teachers.
- B. Teachers are responsible at all times for supervision of the classroom and have responsibility to guide student teachers in their work. The teachers are also responsible for learning, assessment and grading that occurs in the classroom. Teachers may supervise student teachers only once each year.
- C. The sponsoring postsecondary institution must have a supervisor who will remain in regular contact with the student teacher and supervising teacher throughout the student teaching experience.
- D. Criminal background checks must be completed through the Human Resources Department on all student teachers at the expense of the student teacher or the postsecondary institution. The criminal background check must be completed no more than six months prior to the student teaching assignment. All student teaching candidates must submit their background information at least two weeks prior to their teaching experience in the school setting.

### II. TEACHER STIPEND

- A. Teachers may accept a stipend directly from a postsecondary institution for the extra effort in supervising student teachers, as set forth in the cooperative agreement.
- B. This stipend and any requirements to receive the stipend are set by each institution and teachers must be able to document the additional time beyond the regular workday for receiving this stipend.

### III. PLACEMENT

- A. Student teacher placement will be coordinated through the postsecondary institution and the Human Resources Department. Placement requests are not to be completed by the supervising teacher. The Human Resources Department will coordinate placements with the building administrator/designee.
- B. A practice or student teacher must be placed with a cooperating licensed teacher who has at least three years of teaching experience and is not in the improvement process under section 122A.40, subdivision 8.
- C. The building principal, the designee of the principal, the district teacher who has accepted a student teacher, or the teacher preparation program has the right and

responsibility to terminate placement if the well-being of South St. Paul Schools is not served.

D. Procedure

Except in a team teaching situation, the following conditions control the placement of student teachers during the course of the year:

1. No class should have more than one student teacher during the course of a school year.
2. Teachers who have completed the “Preparing for a Student Teacher” staff development course will be eligible to be considered to supervise student teachers. Completion of the course does not guarantee the assignment of a student teacher. Teachers must update themselves every five years with the refresher version of this course to be considered to supervise student teachers.
3. All student teachers will receive an orientation conducted by the Human Resources Department and the Department of Learning, unless school district administration, at its discretion, determines that such an orientation is not necessary due to the length of the placement.

E. Length of Placement

Student teachers will be placed with a supervising teacher for a period of time to be determined by the cooperating agreement.

## Appendix II to Policy 437 – Student Teaching

### MUTUAL AGREEMENT FOR STUDENT TEACHING BETWEEN COLLEGE/UNIVERSITY EDUCATION DEPARTMENT CITY, STATE AND SOUTH ST. PAUL PUBLIC SCHOOLS 20XX-20XX

This agreement is entered into between South St. Paul Public Schools, South St. Paul, Minnesota (the “District”) and COLLEGE/UNIVERSITY, CITY, STATE (the “College/University”). The purpose of this Agreement is to outline the terms of the training/student teaching experience for the student of the College/University and to identify the responsibilities of the College/University and the District.

The following conditions are made a part of the agreement:

#### **(College/University) agrees to:**

1. Place at the District only student teachers who are eligible for such placement under state and College/University rules, and School Board regulations. All student teacher placements will be initiated through and approved by the District through its department of human resources.
2. Inform its faculty and students of the District’s policies and regulations that relate to the placement at the District.
3. Provide District with College/University student teaching expectations/requirements.
4. Pay stipend to the cooperating teacher of the District based on College/University policy for each student teacher placed.
5. Provide regular student teaching supervision by a qualified designee(s) of the College/University.
6. Cooperate with the District in the development and implementation of the District’s Student Teaching Program.
7. Notify the District in the event a student teacher placed at the District is no longer enrolled in the College/University’s program.

**The District agrees to:**

1. Supply to the student teacher so placed by College/University an opportunity to work in a teaching-learning situation under the supervision of a practicing teacher who holds a continuing license and has at least three years total teaching experience.
2. Cooperate with College/University in the development and implementation of the District's Student Teaching Program.
3. Ensure that all student teachers placed at the District complete a criminal background check, at the expense of the student teacher or College/University, prior to the student teacher beginning at the District.
4. Provide appropriate supervision of the student teacher while at the District pursuant to rules promulgated by its Board. Such rules may not conflict with any minimum requirements established by the State or College/University with regard to the Student Teaching Program.
5. Immediately notify College/University if there is a change in the licensure status of any cooperating teacher providing supervision to any student teacher assigned hereunder.
6. Not replace any of its employees nor fill any vacancies normally filled by an employee with a student teacher assigned under this agreement. Therefore, a student teacher will not act as a substitute teacher.
7. Provide the College/University with copies of all policies and regulations applicable to student teachers.
8. Provide emergency medical care to the student teacher or College/University faculty member, at the District (if available) in case of injury or illness, or obtain other appropriate treatment as they choose. Any hospital or medical costs arising from such injury or illness will be the sole responsibility of the College/University faculty member or student teacher who received the treatment and not the District.
9. Reserve the right to deny a student teaching opportunity to an applicant and to terminate a student teaching assignment at any time, due to a lack of funding or for any other reason.
10. Recognize that it is the policy of both the District and the College/University to prohibit discrimination and ensure equal opportunities in its educational programs, activities, and all aspects of employment for all individuals regardless of race, color, creed, religion, gender, national origin, sexual orientation, veteran's status, marital status, age, disability, status with regard to public assistance, or inclusion in any group or class against which discrimination is prohibited by federal, state, or local laws and regulations. The District agrees to adhere to this policy in implementing this agreement.

**Liability:**

Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and will not be responsible for the acts of the other party and the results thereof. The College/University's liability will be governed by the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, as amended, and by this Agreement or any other laws applicable to the College/University. The District's liability will be governed by Minnesota Statutes Section 466.04, as amended.

**Term of Agreement:**

This agreement will commence on July 1, 20XX and end on June 30, 20XX. This Agreement may be terminated by either party at any time upon 60 days' written notice to the other party. Termination by the District will not automatically become effective with respect to student teachers then participating in the learning experience program, and said student teachers may be allowed to continue at the sole option of the District.

**General Provisions:**

1. Neither the District nor the College/University will assign or transfer any rights or obligations under this agreement without the prior written consent of the other party.
2. Any amendments to this agreement will be in writing and signed by authorized representatives from each party.
3. The parties agree that in fulfilling the duties of this agreement, they are responsible for complying with the Americans with Disabilities Act, 42 U.S.C. Chapter 12101, et seq., and any regulations promulgated by the Act.
4. Student teachers are participants in an educational program, and for purposes of this agreement, shall not be considered employees of either the College/University or the District, except as provided for in Minnesota Statutes Section 122A.69. Student teachers shall not be entitled or eligible to participate in any benefits or privileges given or extended to employees of the College/University or the District, except as provided by Minnesota Statutes Section 122A.69.
5. The State of Minnesota has laws (the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (the "MGDPA")) that classify the College/University's written and electronic information as public, private, or confidential. Except as otherwise provided in law or College/University policy, data on students is private and may not be shared with any other party. If the District receives a request from a third party for any data provided to the District by the College/University, the District agrees to immediately notify the College/University. The parties additionally acknowledge that the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and 34 C.F.R. § 99, apply to the use and disclosure of education records that are created or maintained under this agreement.
6. Student teachers assigned to the learning experience program at the District under this agreement will be required to sign a Student Teaching Program Agreement before the student teacher begins the Student Teaching Program at the District.

**Approved:**

Signed for (Insert College/University)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signed for South St. Paul Public Schools

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

*Adopted: October 23, 2000*

*Revised: 6/28/04; 3/12/07; 10/27/08; 1/11/10; 8/24/15; 7/25/16; 8/13/18  
6/10/19; 5/26/20; 6/27/21*

## **474 STAFF INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY**

### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for staff access to district and school information technology, known in this document as “District Information Technology,” including but not limited to district computers, devices, printers and other accessories, networks, internet access, electronic communications, and third-party systems the district licenses and makes available to employees and students. For the purposes of this policy, “staff” includes all employees, volunteers, contractors and other outside agencies working on the district’s behalf who are granted access to District Information Technology.

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

In making decisions regarding student and staff access to District Information Technology, the school district considers its own stated educational mission, goals and objectives. Electronic information research skills are fundamental to preparation of citizens and future employees. Access to the school district computer system and to the internet enables the school community to explore thousands of libraries, databases, bulletin boards and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of District Information Technology throughout the curriculum and will provide guidance and instruction to students in their use.

### **III. PURPOSE LIMITED TO EDUCATION**

The school district provides staff with access to District Information Technology. District Information Technology has a limited educational purpose, which includes its use for classroom activities, educational research, professional or career development, and the general operation of the district and its schools. Staff are expected to use District Information Technology to further educational and professional goals consistent with the school district’s mission, strategic plan and policies. Uses which might be acceptable on a user's private, personal account on another system may not be acceptable on this limited-purpose network.

#### **IV. USE OF DISTRICT TECHNOLOGY RESOURCES IS A PRIVILEGE**

The use of District Information Technology and its access to the internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of District Information Technology or the internet may result in one or more of the following consequences: suspension, cancellation or restriction of use or access privileges, payments for damages and repairs, discipline under other appropriate school district policies, including termination of employment or civil or criminal liability under other applicable laws.

#### **V. ACCEPTABLE USE EXPECTATIONS**

- A. The following Acceptable Use Expectations apply to all staff using District Information Technology:
1. Staff will not use District Information Technology to access, review, create, upload, download, store, print, post, distribute or otherwise publish any content that:
    - a) is pornographic;
    - b) promotes domestic violence;
    - c) promotes crimes against children;
    - d) promotes illegal drugs;
    - e) threatens physical harm to another person;
    - f) incites violence at school;
    - g) creates, or could reasonably be predicted to create, a material and substantial disruption to school operations;
    - h) creates, or could reasonably be predicted to create, an environment that is not conducive to learning;
    - i) significantly interferes with the learning of students;
    - j) ridicules, maligns, disparages, unlawfully discriminates, harasses, or otherwise expresses bias based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age; or
    - k) jeopardizes the security or safety of students or staff at school.
  2. Staff will not use District Information Technology to engage in any illegal act or violate any local, state or federal statute or law.

3. Staff will not use District Information Technology to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change the school district system software, hardware or wiring or take any action to violate the school district system's security, and will not use District Information Technology in such a way as to disrupt the use of the system by other users.
4. Staff will not use District Information Technology to gain unauthorized access to information resources or to access another person's materials, information or files without direct permission of that person.
5. Staff will not use the District Information Technology to post private information about another person or to post personal contact information about themselves or other persons including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
  - a) This paragraph does not prohibit the posting of staff contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
  - b) Staff creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, staff may not post personal contact information or other personally identifiable information about students unless:
    - (1) Such information is classified by the school district as directory information, and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or

- (2) Such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, staff shall obtain written approval of the content of the postings from the building administrator.

- c) These prohibitions specifically prohibit staff from using the District Information Technology to post personal information about staff members or students on social media networks.
6. Staff will protect and secure District Information Technology and the confidential information it stores and makes available by:
    - a) Keeping their user account information, including usernames and passwords, private;
    - b) Not attempting to gain unauthorized access to District Information Technology or use District Information Technology to gain unauthorized access to any other system;
    - c) Not using another person's account, or use computer accounts, access codes or network identification other than those assigned to them by the district;
    - d) Not allowing anyone other than themselves to use their login credentials to access District Information Technology;
    - e) Always locking or logging off district computers and devices connected to district resources before leaving them unattended, including the use of personal devices offsite that access District Information Technology;
    - f) Not attempting to encrypt messages and records on District Information Technology with tools other than those provided or approved by the district.
  7. Staff will observe and comply with copyright laws, license agreements, and other intellectual property rights.
  8. Staff will not use District Information Technology, including their district email address, for personal purposes, including personal shopping, personal social networking, personal subscriptions and other activities not related to their job duties or the district mission, vision and strategic plan.

9. Staff will not use District Information Technology for the conduct of a business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school district. Staff will not use the school district system to offer or provide goods or services or for product advertisement.
  10. Staff will not use District Information Technology to engage in bullying or cyberbullying as defined in Policy (514 Bullying Prohibition). This prohibition includes using any technology or other electronic communication off district premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. Staff engaging in unacceptable uses of District Information Technology when off district premises may also be in violation of this and other school district policies. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability.
  - C. If Staff using District Information Technology inadvertently access unacceptable materials or an unacceptable internet site, they will immediately disclose the inadvertent access to their direct supervisor and/or building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from a building or district administrator.

## **VI. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of District Information Technology and use of the internet shall be consistent with school district policies and the mission of the school district.

## **VII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of District Information Technology, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy for their actions and content stored on District Information Technology.
- B. Routine maintenance and monitoring of District Information Technology may lead to discovery that a user has violated this policy, another school district policy or the law.

- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. School district employees should be aware that data and other materials in files maintained on District Information Technology may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act) and may be subject to Freedom of Information Act requests.
- E. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the District Information Technology.

#### **VIII. INFORMATION TECHNOLOGY ACCEPTABLE USE AGREEMENT**

- A. The proper use of District Information Technology systems and the educational value to be gained from proper use, is the joint responsibility of students, parents and employees of the school district.
- B. The Staff Information Technology Acceptable Use Agreement must be signed by staff at the start of employment, and periodically thereafter as Information Technology changes require.

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

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

#### **X. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to internet use.
- B. This notification shall include the following:

1. Notification that internet use is subject to compliance with school district policies.
2. Disclaimers limiting the school district's liability relative to:
  - a) Information stored on school district removable media, hard drives or servers;
  - b) Information retrieved through school district computers, networks or online resources;
  - c) Personal property used to access school district computers, networks or online resources; and
  - d) Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of school sponsored/managed internet accounts.
4. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 406 (Public and Private Personnel Data, and Policy) and Policy 515 (Protection and Privacy of Pupil Records).
5. Notification that, even though the school district may use technical means to limit student and staff internet access, these limits do not provide a foolproof means for enforcing the provisions of this Acceptable Use policy.
6. Notification that staff are personally responsible for unauthorized financial obligations incurred over the Internet or other electronic means.
7. Notification that should the user violate the school district's Acceptable Use Policy, the employee's access privileges may be revoked, and appropriate disciplinary and/or legal action may be taken.
8. Notification that all provisions of the Acceptable Use Policy are subordinate to local, state and federal laws.

## **XI. IMPLEMENTATION AND POLICY REVIEW**

- A. The school district administration will develop appropriate guidelines and procedures necessary to implement this policy.
- B. This policy will be reviewed annually, and the administration will recommend changes as necessary.

## **XII. INTERNET CONTENT FILTERING**

- A. With respect to any of its computers with internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Pornographic; or
  - 3. Harmful to minors.
  
- B. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:
  - 1. When taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, excretion; or
  - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - 3. When taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.
  
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
  
- D. When used by an adult, an administrator, supervisor or other person authorized by the Superintendent may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

## **XIII. STAFF PERSONAL EQUIPMENT USE**

- A. All staff are provided access to dedicated or shared computing devices as needed for the performance of their duties.
  
- B. Staff may connect personal devices to the district’s guest network.
  
- C. The district may restrict connection bandwidth of some or all personal devices or otherwise block access in order to prioritize the district’s learning and other operations, and to protect District Information Technology.

- D. Staff are responsible for ensuring that any connected personal device has been updated with all applicable security updates for its operating system and software, and has appropriate virus and malware protection installed and activated.
- E. Use of personal devices brought onto school property must adhere to the policies and guidelines of this policy.
- F. Staff are prohibited from using personal computing devices as wireless hotspots to circumvent the district wireless network and content filters.
- G. District Technology staff cannot provide direct assistance with the configuration, installation or use of personal computing devices.

#### **XIV. STAFF SOCIAL MEDIA USE**

- A. **Social Media** is defined as the variety of online resources that allow people to communicate, share information, photos, videos and audio, and exchange text and other multimedia files with others through an online or cellular network platform. Examples of social media include, but are not limited to, websites, blogs, wikis, social networks, online forums, virtual worlds, and such social networks as Facebook, Twitter, LinkedIn, Flickr, YouTube, Snapchat, and Instagram.
- B. **Personal Social Media Use** is defined as the use of social media to communicate with friends and family, advance one's employment or career beyond the scope of one's district duties, engage in business activities, or publicly express personal opinions.
- C. **Professional Social Media Use** is defined as use of social media that is directly related to job duties and is performed with a supervisor's permission. Examples include but are not limited to use that is integrated into classroom instruction, tied directly to professional learning, or needed to communicate with partner agencies or job-related networks.
- D. **Establishment and Regulation of Social Media Sites.** The district may establish social media sites and accounts for the district and its schools and may monitor and regulate the content of information on its sites and accounts. The district's Facebook, Twitter and Instagram accounts are examples of a district social media site. The Superintendent or their designee, must approve the establishment of all district social media sites and school media sites.

E. **General Guidelines**

1. **Speaking on Behalf of the District.** The Superintendent or their designee is the authorized spokesperson for the district. Without prior written authorization from the Superintendent, employees may not use social media during the duty day or outside the duty day to state or imply:
  - a) that they are speaking for, or on behalf of, the district;
  - b) that they are authorized to speak for, or on behalf of, the district; or
  - c) that their views represent the views of the district.
  
2. **Branding of Personal Social Media Accounts with District Logos, Names or Trademarks.**
  - a) Staff will not brand their personal accounts in such a way that they may be mistaken as officially representing the district or its schools. Staff are additionally encouraged to include disclaimers on their personal social media profiles to eliminate any confusion and clarify that they are speaking as private individuals, and not as district employees, and that their views do not necessarily reflect the views of the district.
  
3. **Non-Protected Speech**
  - a) As a general matter, public employees have a First Amendment right to use personal social media to express their views on matters of public interest. However, this right is not absolute. When public employees make statements pursuant to their official job duties, they are not speaking as private citizens for First Amendment purposes and, therefore, their speech is not constitutionally protected. When employees are speaking pursuant to their official job duties, they must follow their supervisor's directives and the district approved curriculum. Employees may be disciplined for speech that is not protected under the Constitution or a federal or state law.
  
4. **Prohibition of Speech that Interferes with Efficient.**

- a) Even when speech touches on a matter of public concern and is not pursuant to an employee's job duties, an employee's free speech rights must be balanced against the district's right to maintain efficient operations and an environment that is conducive to working and learning. When balancing these rights, the courts have held that a public employee's speech is not protected if it would create disharmony in the workplace, impede the employee's ability to perform his or her job duties, significantly impair the working relationship with other employees who work closely with the speaker, or significantly harm the employer's image. Accordingly, employees may be disciplined for speech that creates disharmony in the workplace, impedes the employee's ability to perform his or her job duties, significantly impairs the working relationship with other employees who work closely with the speaker, or significantly harms the district's image.

5. **Maintaining Appropriate Boundaries.**

- a) All employees must maintain professional boundaries with students. Employees may not engage in communications with students that give the impression of peer-to-peer communications, unless the employee and student are related. Additionally, employees may not have extensive social involvement or develop personal or private relationships with individual students through social media, unless they are closely related.

F. **Social Media Use During the Duty Day**

1. Staff may engage in Professional Social Media Use during work hours.
2. Staff are encouraged to create separate professional social media accounts using their district email addresses for work purposes only. Personal accounts may not be used when using social media with students.
3. Personal Social Media Use using District Information Technology is prohibited during work hours.
4. Incidental Personal Social Media Use on personal devices is allowed during work hours to the extent that it does not interfere with job duties or responsibilities as determined by supervisors.

***Legal References:***

15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)  
17 U.S.C. § 101 *et seq.* (Copyrights)  
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))  
47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 125B.15 (Internet Access for Students)

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

***Cross References:***

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)



Adopted: June 30, 1997

MSBA/MASA Model Policy 501

I. Orig. 1995

Revised: 4/26/04; 8/14/06; 10/27/08; 9/9/13  
3/14/16; 5/22/17; 6/10/19; 5/26/20; 6/14/21  
6/27/22

Rev. 2021 ~~14~~

## **501 SCHOOL WEAPONS POLICY**

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

#### **A. “Weapon”**

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

- B. “School Location” includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district.
- C. “Possession” means having a weapon on one’s person or in an area subject to one’s control in a school location.
- D. “Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, “flammable liquid” means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, “combustible liquid” is a liquid having a flash point at or above 100 degrees Fahrenheit.

#### IV. EXCEPTIONS

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal’s office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal’s office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon’s location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
  - 1. active licensed peace officers;
  - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
  - 3. persons authorized to carry a pistol under Minn. Stat., § 624.714, while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;

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

C. Policy Application to Instructional Equipment/Tools

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

D. Firearms in School Parking Lots and Parking Facilities

A school district may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carry or possession of a firearm in a school parking lot or parking facility is

specifically limited to nonstudent permit-holders authorized under Minnesota Statutes section 624.714, to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

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

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

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

- A. Employees
1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.

2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

**B. Other Nonstudents**

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

**VII. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES**

- A. The school district must electronically report to the Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes, section 121A.06.

***Legal References:***

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
 Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)  
 Minn. Stat. § 121A.05 (Referral to Police)  
 Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)  
 Minn. Stat. § 12.01, subd. 14(a) (Definition of a School Zone)

Minn. Stat. § 609.66 (Dangerous Weapons)  
 Minn. Stat. § 609.605 (Trespass)  
 Minn. Stat. § 609.02, subd. 6 (Definition of Dangerous Weapon)  
 Minn. Stat. § 97B.045 (Transportation of Firearms)  
 Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)  
 Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)  
 18 U.S.C. § 921 (Definition of Firearm)  
*In re C.R.M.*, 611 N.W.2d 802 (Minn. 2000)  
*In re A.D.*, 833 N.W.2d 251 (Minn. 2016)

***Cross References:***

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 MSBA/MASA Model Policy 506 (Student Discipline)  
 MSBA/MASA Model Policy 525 (Violence Prevention)  
 MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)



Adopted: February 9, 1998

MSBA/MASA Model Policy 502

Orig. 1995

Revised: 10/25/04; 3/14/16; 5/22/17; 6/10/19; 5/26/20  
6/14/21; 6/27/22

Rev. 1999

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

### **I. PURPOSE**

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the school district's policies against contraband.

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

#### **A. Lockers and Personal Possessions Within a Locker**

Pursuant to Minnesota statutes, school lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.

#### **B. Desks**

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

#### **C. Personal Possessions and Student's Person**

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

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

### III. DEFINITIONS

- A. “Contraband” means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes but is not limited to weapons and “look-alikes,” alcoholic beverages, controlled substances and “look-alikes,” overdue books and other materials belonging to the school district, and stolen property.
- B. “Personal possessions” includes but is not limited to purses, backpacks, bookbags, packages, and clothing.
- C. “Reasonable suspicion” means that a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official’s personal observation, a report from a student, parent or staff member, a student’s suspicious behavior, a student’s age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. “Reasonable scope” means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

### IV. PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student’s person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student’s person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.

- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.
- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The school district shall provide a copy of this policy to a student when the student is given use of a locker.

**V. DIRECTIVES AND GUIDELINES**

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

**VI. SEIZURE OF CONTRABAND**

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

**VII. VIOLATIONS**

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

*Legal References:* U. S. Const., amend. IV  
 Minn. Const., art. I, § 10  
*New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)  
 Minn. Stat. § 121A.72 (School Locker Policy)  
*G.C. v. Owensboro Public Schools*, 711 F.3d 623 (6<sup>th</sup> Circ.2013)

*Cross References:* MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
 MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)  
 MSBA/MASA Model Policy 501 (School Weapons)  
 MSBA/MASA Model Policy 506 (Student Discipline)



Adopted: May 31, 1972

MSBA/MASA Model Policy 503

Orig. 1995

Revised: 7/21/76, 4/9/85, 3/15/88, 5/7/91, 1/24/05  
6/26/06; 5/12/14; 3/14/16; 8/14/17; 6/10/19  
5/26/20; 6/14/21; 6/27/22

Rev. 2022 ~~13~~

## 503 STUDENT ATTENDANCE

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

#### A. Responsibilities

##### 1. Student's Responsibility

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

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

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

##### 3. Teacher's Responsibility

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

cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

- a. It is the administrator's responsibility to require students to attend all assigned classes. It is also the administrator's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students and maintain accurate records on student attendance. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.
- b. In accordance with the Minnesota Compulsory Instruction Law, Minnesota Statute, section 120A.22, the students of the school district are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Attendance Guidelines

1. Excused Absences

- a. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school.
- b. The following reasons shall be sufficient to constitute excused absences:
  - (1) Illness.
  - (2) Serious illness in the student's immediate family.
  - (3) A death in the student's immediate family or of a close friend or relative.
  - (4) Medical, dental or orthodontic treatment, or counseling appointment.
  - (5) Court appearances occasioned by family or personal action.
  - (6) Religious instruction not to exceed three hours in any week.
  - (7) Physical emergency conditions such as fire, flood, storm, etc.
  - (8) Official school field trip or other school-sponsored outing.

- (9) Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
- (10) Pre-approved college visits.
- (11) Religious Holiday.
- (12) Family emergencies.
- (13) Active duty in any military branch of the United States.

c. Consequences of Excused Absences

- (1) Students whose absences are excused are required to make up assignments as deemed appropriate by the classroom teacher.
- (2) The student, family, and staff will engage in a conversation to determine how students will access standards and practice skills that were missed during the absence.

2. Unexcused Absences

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

- (1) Truancy. An absence by a student, which was not approved by the parent and/or the school district.
- (2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.
- (3) Chores at home.
- (4) Work at a business, except under a school-sponsored work release program.
- (5) Personal trips to schools or colleges.
- (6) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

- (1) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota statutes.
- (2) Students with unexcused absences shall be subject to discipline in the following manner:
  - (a) After 7 cumulated unexcused absences in a [quarter or semester], the administration may impose the loss of academic credit in the class or classes from which the student has been absent. However, prior

to loss of credit, an administrative conference must be held among the principal, student and parent.

c. Suspensions

- (1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.
- (2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.

C. Tardiness

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.
2. Procedures for Reporting Tardiness
  - a. Students tardy at the start of school must report to the school office for an admission slip.
  - b. Tardiness between periods will be handled by the teacher.
3. Excused Tardiness

Valid excuses for tardiness are:

  - a. Illness.
  - b. Serious illness in the student's immediate family.
  - c. A death in the student's immediate family or of a close friend or relative.
  - d. Medical or dental treatment.
  - e. Court appearances occasioned by family or personal action.
  - f. Physical emergency conditions such as fire, flood, storm, etc.
  - g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.
4. Unexcused Tardiness
  - a. An unexcused tardiness is failing to be in an assigned area at the designated time class period commences without a valid excuse.

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

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

### **III. RELIGIOUS OBSERVANCE OF ACCOMMODATION**

Reasonable efforts will be made by the school district to accommodate any student who wishes to be excused from a curricular activity for a religious observance. Requests for accommodations should be directed to the building principal.

### **IV. DISSEMINATION OF POLICY**

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

### **V. REQUIRED REPORTING**

#### **A. Continuing Truant**

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

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

#### **B. Reporting Responsibility**

When a student is initially classified as a continuing truant, Minnesota Statutes section 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by phone or other reasonable means, of the following:

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

Nothing in this section shall prevent a school district from notifying a truant child's parent or legal guardian of the child's truancy or otherwise addressing a child's attendance problems prior to the child becoming a continuing truant.

C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one

or more class periods on seven school days per school year and who has not lawfully withdrawn from school under Minn. Stat. § 120A.22.

2. An administrator or their designee shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minnesota Statutes Chapter 260A.

**Legal References:**

Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 120A.24 (Reporting)  
Minn. Stat. § 120A.26 (Enforcement and Prosecution)  
Minn. Stat. § 120A.28 (School Boards and Teachers, Duties)  
Minn. Stat. § 120A.34 (Violations; Penalties)  
Minn. Stat. § 120A.35 (Absence from School for Religious Observance)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 260A.02 (Definitions)  
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is Continuing Truant)  
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)  
*Goss v. Lopez*, 419 U.S. 565, 95 S.Ct. 729 (1975)  
*Slocum v. Holton Board of Education*, 429 N.W.2d 607 (Mich. App. Ct. 1988)  
*Campbell v. Board of Education of New Milford*, 475 A.2d 289 (Conn. 1984)  
*Hamer v. Board of Education of Township High School District No. 113*, 66 Ill. App.3d 7 (1978)  
*Gutierrez v. School District R-1*, 585 P.2d 935 (Co. Ct. App. 1978)  
*Knight v. Board of Education*, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)  
*Dorsey v. Bale*, 521 S.W.2d 76 (Ky. 1975)

**Cross References:**

MSBA/MASA Model Policy 506 (Student Discipline)



Adopted: October 25, 2004

MSBA/MASA Model Policy 504

Orig. 1995

Revised: 6/26/06; 10/27/08; 10/26/09; 6/13/11  
9/9/13; 5/9/16; 8/14/17; 6/10/19; 5/26/20  
6/14/21; 6/27/22

Rev. 20~~17~~ 22

## 504 STUDENT DRESS AND APPEARANCE

### I. PURPOSE

- A. The purpose of this policy is to enhance the education of students by establishing expectations of dress and grooming that are related to educational goals and a learning environment.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of this school district is to encourage students to be dressed appropriately for school activities and is in keeping with the needs of the learning environment. This is a joint responsibility of the student and the student's parent(s) or guardian(s).
- B. Appropriate clothing includes, but is not limited to, the following:
1. Clothing appropriate for the weather.
  2. Clothing that does not create a health or safety hazard.
  3. Clothing appropriate for the activity (i.e., physical education or classroom).
- C. Inappropriate clothing includes, but is not limited to, the following:
1. Clothing that is not in keeping with educational goals and a learning environment. Refer to student handbooks for detailed information.
  2. Clothing bearing a message that is lewd, vulgar, or obscene.
  3. Apparel promoting products or activities that are illegal for use by minors.
  4. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances or provokes any form of religious, racial or sexual harassment and/or violence against other individuals as defined in MSBA/MASA Model Policy 413.
  5. Any apparel or footwear that would damage school property.

- D. The intention of this policy is not to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane or do not advocate violence or harassment against others.
- E. “Gang,” as defined in this policy, means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. “Pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

### III. PROCEDURES

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

**Legal References:**

- U. S. Const., amend. I
- Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
- B.W.A. v. Farmington R-7 Sch. Dist.*, 554 F.3d 734 (8<sup>th</sup> Cir. 2009)
- Lowry v. Watson Chapel Sch. Dist.*, 540 F.3d 752 (8<sup>th</sup> Cir. 2008)
- Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997)
- B.H. ex rel. Hawk v. Easton Area School Dist.*, 725 F.3d 293 (3<sup>rd</sup> Cir. 2013)
- D.B. ex rel. Brogdon v. Lafon*, 217 Fed.Appx. 518 (6<sup>th</sup> Cir. 2007)
- Hardwick v. Heyward*, 711 F.3d 426 (4<sup>th</sup> Cir. 2013)
- Madrid v. Anthony*, 510 F.Supp.2d 425 (S.D. Tex. 2007)
- McIntire v. Bethel School, Indep. Sch. Dist. No. 3*, 804 F.Supp. 1415 (W.D. Okla. 1992)
- Hicks v. Halifax County Bd. of Educ.*, 93 F.Supp.2d 649 (E.D. N.C. 1999)
- Olesen v. Bd. of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820 (N.D. Ill. 1987)

**Cross References:**

- MSBA/MASA Model Policy 413 (Harassment and Violence)
- MSBA/MASA Model Policy 506 (Student Discipline)
- MSBA/MASA Model Policy 525 (Violence Prevention)



*Adopted: October 28, 1996*

*MSBA/MASA Model Policy 505*

*Orig. 1995*

*Revised: 10/25/04; 10/27/08; 4/25/11; 5/9/16*

*Rev. 2002*

*7/25/16; 8/14/17; 3/12/18; 1/14/19; 6/10/19; 5/26/20*

*6/14/21; 6/27/22*

## **505 DISTRIBUTION OF NONSCHOOL-SPONSORED MATERIALS ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES**

### **I. PURPOSE**

The purpose of this policy is to protect the exercise of students' and employees' free speech rights, taking into consideration the educational objectives and responsibilities of the school district.

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

- A. The school district recognizes that students and employees have the right to express themselves on school property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, nonschool-sponsored material.
- B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the school district, the school board adopts the following regulations and procedures regarding distribution of nonschool-sponsored material on school property and at school activities.

### **III. DEFINITIONS**

- A. "Distribute" or "Distribution" means circulation or dissemination of material by means of handing out or offering materials or copies of materials ("materials"), selling or offering materials for sale, accepting donations for materials, posting or displaying materials, placing materials in internal staff or student mailboxes, or staff, student or parent emails.

- B. “Non-school-sponsored material” or “unofficial material” includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks and other publications funded and/or sponsored or authorized by the school. Examples of nonschool-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects and websites, blogs, wikis, podcasts or other online resources.
- C. “Obscene to minors” means:
1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
  3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. “Minor” means any person under the age of eighteen (18).
- E. “Material and substantial disruption” of a normal school activity means:
1. Where the normal school activity is an educational program of the 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.
  2. 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.
  3. Where the normal activity uses the district’s electronic technologies, “material and substantial disruption” is defined as deliberately attempting to disrupt the computer network and/or destroying data by spreading computer viruses or malware.
  4. 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.

- F. “School activities” means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, fine arts concerts, presentations and productions, in-school lunch periods, school and teacher websites, blogs, wikis, podcasts or school-sponsored online resources.
- G. “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. Students and employees of the school district have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, non-school-sponsored material.
- B. Requests for distribution of nonschool-sponsored material will be reviewed by the administration on a case-by-case basis. However, distribution of the materials listed below is always prohibited. Material is prohibited that:
  - 1. is obscene to minors;
  - 2. is libelous or slanderous;
  - 3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
  - 4. advertises or promotes any product or service not permitted to minors by law;
  - 5. advocates violence or other illegal conduct;
  - 6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person’s race, religious or ethnic origin);
  - 7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
- C. Distribution by students and employees of nonschool-sponsored materials on school district property are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and

manner of distribution, the administration will consider factors including, but not limited to, the following:

1. whether the material is educationally related;
2. the extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;
3. whether the materials can be distributed from the office or other isolated location, or via digital or electronic manner, so as to minimize disruption of traffic flow in hallways;
4. the quantity or size of materials to be distributed;
5. whether distribution would require assignment of school district staff, use of school district equipment, or other resources;
6. whether distribution would require that nonschool persons be present on the school grounds;
7. whether the materials are a solicitation for goods or services not requested by the recipients.
8. whether or not the distribution of the materials takes advantage of the district's communication system for personal gain;
9. unless otherwise provided by law, announcements and informational materials regarding school or youth-related activities, organizations and agencies are clearly known to be non-sectarian devoted to community interests or child welfare, non-discriminatory and totally committed to equal opportunity, and generally recognized as owning their existence to serving the broad public and general interests.

#### **V. TIME, PLACE, AND MANNER OF DISTRIBUTION**

- A. No non-school-sponsored material shall be distributed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.
- B. Distribution of non-school-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the district site and parking lots. Distribution shall not impede entrance to or exit from district premises in any way.
- C. No one shall coerce a student or staff member to accept any material.
- D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

- E. Distribution that results in a “spamming” or disruption of staff, student or parent email services is prohibited.

## **VI. PROCEDURES**

- A. All requests for distribution of materials in or through the schools by non-school persons or organizations must be submitted for approval at least five days in advance of desired distribution date, together with the following information:
  - 1. Name and phone number of the person submitting the request.
  - 2. Date(s) and time(s) of day of requested distribution.
  - 3. To whom the distribution is intended (i.e. students, grade level, or school, etc.)
- B. All requests for materials distribution are to be screened individually as follows:
  - 1. All requests for district-wide distribution must be approved by the Superintendent’s Office.
  - 2. All requests for distribution for an individual school or classroom must be approved by the building principal and by the Superintendent’s Office.
  - 3. In any instance of serious question as to appropriateness of distribution, final determination is to be made by the Superintendent of Schools.
  - 4. At all levels, a continuing log of distribution approvals and denials is to be maintained.
  - 5. Distribution of materials may be limited to the district’s digital and electronic management system accessible by parents, students and district employees, or as copies made available at school and district offices, or for students and parents to take home.
  - 6. Employee mailboxes and the School District’s internal mail systems are reserved for school district related business and the facilitation of internal communication of school related matters to school district employees.
  - 7. Employee mailboxes and the District’s internal electronic communication and mail systems shall be open to the exclusive representatives of the School District employees on matters within the scope of the official representational duties of school district employees.
- C. The front of all non-school sponsored materials must include a prominent disclaimer indicating, “The activities, viewpoints, or events promoted in these materials are not sponsored, endorsed, approved or disapproved by the South St. Paul Public Schools.”
- D. In the event permission to distribute the materials is denied or limited, the persons submitting the request shall be informed of the reasons for the denial or limitation. Permission or denial does not imply approval or disapproval of its contents by the

school, administration, the school board, or the individual reviewing the material submitted.

- E. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.

## VII. DISCIPLINARY ACTION

- A. Distribution by any student of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with the school district's Student Discipline Policy.
- B. Distribution by any employee of nonschool-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, school district policies and procedures, and/or governing statute.

## VIII. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES

A copy of this policy will be published in student handbooks.

## IX. IMPLEMENTATION

The school district administration may develop any additional guidelines and procedures necessary to implement this policy for submission to the school board for review. Such guidelines and procedures shall be an addendum to this policy.

**Legal References:** U. S. Const., amend. I  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)  
*Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)  
*Tinker V. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*Bystrom v. Fridley High School*, 822 F.2d 747 (8th Cir. 1987)  
*Roark v. South Iron R-1 School District.*, 573 F.3d 556 (8<sup>th</sup> Cir. 209)  
*Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist.*, 640 F.3d 329 (8<sup>th</sup> Cir. 2011), cert. denied \_U.S.\_132 S.Ct. 592 (2011)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)  
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)  
Appendix to District Policy 904 (Distribution Process of Materials by Nondistrict Sponsored Persons and Organizations)



*Adopted: October 28, 1996*

*MSBA/MASA Model Policy 512*

*Orig. 1995*

*Revised: 11/22/04; 5/26/09; 4/25/11; 7/25/16  
8/14/17; 1/13/20; 6/14/21; 6/27/22*

*Rev. 2002*

## **512 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 the **district's mission. operation of public schools.**

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

- A. 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.
- B. The school district may exercise editorial control over the style and content of student expression in school-sponsored publications and activities.
- C. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school district policy or views. Faculty advisors shall supervise student writers and producers to ensure compliance with the law and school district policies.
- D. 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.
- E. Official school publications may be distributed at reasonable times and locations.

### **III. DEFINITIONS**

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing materials in internal staff or student mailboxes or through electronic distribution.
- B. "Official school publications" means material intended for distribution from print or electronic sources including, but not limited to school newspapers, yearbooks or material produced in classes as a part of the curriculum, or school-sponsored activities.

- C. “Obscene to minors” means:
1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
  3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. “Minor” means any person under the age of eighteen (18).
- E. “Material and substantial disruption” of a normal school activity means:
1. 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.
  2. 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.
- F. “School activities” means any activity of students sponsored by the school including, but not limited to, classroom work, media activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, music concerts, fine arts presentations and productions, and in-school lunch periods.

- G. “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:
1. is obscene to minors;
  2. is libelous or slanderous;
  3. advertises or promotes any product or service not permitted for minors by law;
  4. encourages students to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
  5. expresses or advocates sexual, racial or religious harassment or violence or prejudice;
  6. 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:
1. assuring that participants learn whatever lessons the activity is designed to teach;
  2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
  3. assuring that the views of the individual speaker are not erroneously attributed to the school;
  4. assuring that the school is not associated with any position other than neutrality on matters of political controversy;
  5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;

6. 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 immature audiences.

C. Time, Place and Manner of Distribution

Students shall be permitted to distribute publications at school as follows:

1. Time: Distribution shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed.
2. Place: Publications may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entryways and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
3. Manner: No one shall induce or coerce a student or staff member to accept a student publication.

**Legal References:**

U. S. Const., amend. I  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed. 2d 592 (1988)  
*Bystrom v. Fridley High School, I.S.D. No. 14*, 822 F.2d 747 (8th Cir. 1987)  
*Morse v. Frederick*, 551 U.S. 393, 127 S. Ct. 2618, 168 L.Ed. 2d 290 (2007)

**Cross References:**

MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)



Adopted: December 13, 2004

MSBA/MASA Model Policy 513

Orig. 1995

Revised: 2/28/05, 6/26/06, 8/27/07, 5/12/08; 10/27/08

Rev. 2016

7/27/09; 6/25/12; 7/25/16; 8/14/17; 6/10/19; 7/27/20

6/14/21; 6/27/22

## 513 STUDENT PROMOTION, RETENTION, AND PROGRAM DESIGN

### I. PURPOSE

- A. The purpose of this policy is to provide guidance to professional staff, parents and students regarding student promotion, retention and program design.

### II. GENERAL STATEMENT OF POLICY

The school board expects all students to achieve at an acceptable level of proficiency. Parental assistance, tutorial and remedial programs, counseling and other appropriate services shall be coordinated and utilized to the greatest extent possible to help students succeed in school.

#### A. Promotion

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

#### B. Retention

##### 1. Kindergarten – 8<sup>th</sup> Grade

Retention of a student will occur when professional staff feels that it is in the best interest of the student. Prior to the retention of the student, the professional staff must have multiple consultations with the parents and consider the student's physical development, maturity, and emotional factors, along with the student's academic achievement.

##### 2. 9<sup>th</sup> – 12<sup>th</sup> Grade Students

These students are on a credit system that requires the completion of a specified number of credits to be eligible for a South St. Paul High School diploma.

#### C. Intervention Process

1. Intervention will occur when a student fails to meet grade level benchmarks. The district supports a multi-tiered system of intervention including, but not limited to:

- a) Teacher/Parent Contact
- b) Access to Intervention Courses
- c) Enrollment in Targeted Services (school year & summer school)
- d) Referral to Student Intervention Team
- e) Referral to Child Study

D. Program Design

1. The superintendent, with participation of the professional staff and parents, shall develop and implement programs to challenge students that are consistent with the needs of students at every level. A process to assess and evaluate students for program assignment shall be developed in coordination with such programs. Opportunities for special programs and placement outside of the school district shall also be developed as additional options. All programs will be aligned with creating the world's best workforce.
2. The school district will adopt guidelines for assessing and identifying students for participation in gifted and talented programs. The guidelines should include the use of:
  - a) Multiple objective criteria; and
  - b) Assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures should be sensitive to under-represented groups, including, but not limited to, low-income, minority, twice exceptional, and English Learners.
3. The school district will adopt procedures for the academic acceleration of gifted and talented students. These procedures will include how the school district will:
  - a) Assess a student's readiness and motivation for acceleration; and
  - b) Match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.
4. The school district will adopt procedures, which describe the comprehensive evaluation in cognitive, social, and emotional development domains to help determine a child's ability to meet kindergarten grade expectations and progress to first grade in the subsequent year for early admission to kindergarten or first grade of gifted and talented learners. The comprehensive evaluation must use valid and reliable instrumentation, be aligned with state kindergarten expectations, and include a parental report and teacher observations of the child's knowledge, skills, and abilities. The procedures must be sensitive to under-represented groups.

***Legal References:*** Minn. Stat. § 120B.15 (Gifted and Talented Program)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendents)

***Cross References:*** MSBA/MASA Model Policy 613 (Graduation Requirements)  
MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)  
MSBA/MASA Model Policy 615 (Testing, Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)  
MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)  
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)  
MSBA/MASA Model Policy 620 (Credit for Learning)



Adopted: April 26, 2004

MSBA/MASA Model Policy 514

Orig. 2022 14

Revised: 6/11/05; 8/14/06; 10/27/08; 11/28/11  
9/9/13; 7/28/14; 8/24/15; 7/25/16; 6/26/17  
6/10/19; 5/26/20; 6/14/21; 6/27/22

## **514 BULLYING PROHIBITION POLICY**

### **I. PURPOSE**

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

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

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property at school-functions, or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyber bullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.

- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy #506. The school district may take into account the following factors:
  1. The developmental ages and maturity levels of the parties involved;
  2. The levels of harm, surrounding circumstances, and nature of the behavior;
  3. Past incidences or past or continuing patterns of behavior;
  4. The relationship between the parties involved; and
  5. The context in which the alleged incidents occurred.

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

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

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

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

### **III. DEFINITIONS**

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

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. An actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
2. Materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

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

- B. “Cyberbullying” means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Intimidating, threatening, abusive, or harming conduct” means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student’s property or causes a student to be in reasonable fear of harm to person or property;
  2. Under Minnesota common law, violates a student’s reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
  3. Is directed at any student or students, including those based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. “On school premises, on school district property, at school functions or activities, or on school transportation” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure

from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

- F. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. “Student” means a student enrolled in a public school or a charter school.

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

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal’s designee, or the building supervisor (hereinafter the “building report taker”) is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

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

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

## **V. SCHOOL DISTRICT ACTION**

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others

pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.

- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy #506 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**

- A. The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but

is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

## VII. TRAINING AND EDUCATION

- A. 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, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minnesota Statute, section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
  - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
  - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
  - 4. The incidence and nature of cyberbullying; and
  - 5. Internet safety and cyber bullying.
- 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 (See MSBA/MASA Model Policy 515) in the student handbook.

## VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative 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 (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

## IX. POLICY REVIEW

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

### ***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. § Ch. 124E (Charter School)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

***Cross References:***

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 423 (Employee-Student Relationships)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Title IX Sex Nondiscrimination)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)



Adopted: February 9, 1998

MSBA/MASA Model Policy 515

Orig. 1995

Revised: 11/22/04, 7/11/05, 8/14/06; 10/27/08

Rev. 2014

3/26/12; 11/25/13; 6/23/14; 5/9/16; 6/26/17; 6/10/19; 1/13/20  
6/14/21; 6/27/22

## 515 PROTECTION AND PRIVACY OF PUPIL RECORDS

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

- A. The school district will ensure all student data collected, created, received, maintained or disseminated by the district, which is classified by statute or federal law as public, is accessible to the public pursuant to the procedures established by the district. All other data on students is private or confidential.

### III. DEFINITIONS

- A. Authorized Representative  
“Authorized representative” means any entity or individual designated by the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.
- B. Biometric Record  
“Biometric record” as referred to in “Personally Identifiable,” means a record of one or more measureable biological or behavioral characteristics, that can be used for **authorized automated** recognition of an individual (i.e., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).
- C. Dates of Attendance  
“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, **video conference**, satellite, Internet or other electronic **communication information and telecommunication technologies** for students who are not in the classroom, and including the period during which a student is working under a work-study

program. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

D. Directory Information

“Directory information” means information contained in an education record of a student which that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, address, telephone listing, district provided electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e. full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address and telephone number of the student's parent/guardian(s).

Directory information does not include:

1. a student's social security number
2. a student's identification number (“ID”), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification (PIN), password, or other factor known or possessed only by the authorized user.
3. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
4. personally identifiable data which references religion, race, color, social position, or nationality; or
5. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

E. Education Records

1. What constitutes “education records”. Education records mean those records which that are: (1) are directly related to a student; and (2) are maintained by the school district or by a party acting for the school district.

2. What does not constitute an education records. The term “education records” does not include:
- a) Records of instructional personnel which that are:
    - 1) Kept are in the sole possession of the maker of the record; and
    - 2) Used only as a personal memory aid;
    - 3) are not accessible or revealed to any other individual except a temporary substitute teacher; and
    - 4) 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 are education records.
  - d) Records relating to an eligible student, or a student attending an institution of post-secondary education, which that 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 created or received by the school district that only contain information about an individual after an individual he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

f) Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Eligible Student

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

G. Juvenile Justice System

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

H. Legitimate Educational Interest

"Legitimate educational interest" includes an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:

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

- I. Parent  
“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument, which provides to the contrary.
- J. Personally Identifiable  
“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number or biometric record; (e) other direct identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
- K. Record  
“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.
- L. Responsible Authority  
“Responsible authority” means superintendent or designee.
- M. Student  
“Student” includes any individual who is or has been in attendance, enrolled or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district, and individuals who receive shared time educational services from the school district.
- N. School Official  
“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, school resource officer, a clerk, as public information officer or data practices compliance official,

an attorney or an auditor for the period of his or her performance as an employee or contractor.

O. Summary Data

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

P. Other Terms and Phrases

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

#### IV. GENERAL CLASSIFICATION

- A. State law provides that all data collected, created, received or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district, which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. §1232g and the regulations promulgated there under.

#### V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student’s education records;
2. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student’s privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated there under;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated there under;

6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI of this policy.

**B. Eligible Students**

All rights and protections given to parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an “eligible student.” However, the parents of an eligible student who is also a “dependent student” are entitled to gain access to the 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).

**C. Students with a Disability**

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the privacy, notice, access, record keeping and accuracy of information related to students with a disability.

## **VI. DISCLOSURE OF EDUCATION RECORDS**

**A. Consent Required for Disclosure**

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

- b) if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
- a) identifies and authenticates a particular person as the source of the electronic consent; and
  - b) indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
- a) in plain language;
  - b) dated;
  - c) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d) specific as to the nature of the information the subject is authorizing to be disclosed;
  - e) specific as to the persons or agencies to 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 Minnesota Statutes Chapter 256B or Minnesota Care under Minnesota Statutes Chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in 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 of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
  - a) performs an institutional service or function for which the school district would otherwise use employees;
  - b) is under the direct control of the school district with respect to the use and maintenance of education records; and
  - c) will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (See Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 U.S.C. § 7917 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 Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision. 7(c) or section § 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records which that have been transferred and

provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a) determine eligibility for the aid;
  - b) determine the amount of the aid;
  - c) determine conditions for the aid; or
  - d) enforce the terms and conditions of the aid.

“Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;

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

improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization 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 (5) years.

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as devised in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and

the order is issued in the context of the proceeding. If the school district initiates legal action against a parent or student it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.

11. To appropriate parties including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health 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 and safety of a student or other individuals. In making a determination whether to disclose information under this section, the school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the 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" pursuant to Section VII. of this policy
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent

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

17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students; or
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a) the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b) the existence of the following information about a student, not the actual data or other information contained in the student's educational record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under

Minnesota Statutes section 260B.171, subdivision. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian.

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

The principal must delete the peace officer's record from the student's 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;

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; or
22. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Services Department, for the purpose of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measures.
23. To agency caseworker or other representative of State or local child welfare agency, or tribal organizations (as defined 25 U.S.C. § 5304 in), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure is consistent with the State or tribal laws applicable to protecting confidentiality of a student's educational record.

C. Nonpublic School Students

The school district may disclose personally identifiable information from the educational records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the

parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

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

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

### **A. Classification**

Directory information is public except as provided herein.

### **B. Former Students**

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

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

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

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a) the types of personally identifiable information regarding students and/or parents that the school district has designated as directory information;
  - b) the parent’s or eligible student’s right to refuse to let the school district designate any or all of those types of information about the student and/or the parent as directory information; and
  - c) the period of time in which a parent or eligible student has to notify the school district in writing that he or she does not want

any or all of those types of information about the student and/or the parent designated as directory information.

2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school district, in writing, that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in 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:
  - a) prevent the school district from disclosing or requiring the student to disclose the student's name, ID, or school district e-mail address in a class in which the student is enrolled; or
  - b) prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.
4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

## VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

B. Private Records Not Accessible to Parent

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

The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:

1. 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;
2. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
3. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
4. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
5. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

- C. Private Records Not Accessible to Student  
Students shall not be entitled to access to private data concerning financial records and statements of the student’s parent or any information contained therein.

- D. Military-Connected Youth Identifier  
When a school district updates its enrollment forms in the ordinary course of business, the school district must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a “military-connected youth” means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under his provision is private data on individuals, but summary data may be published by the Department of Education.

## IX. DISCLOSURE OF CONFIDENTIAL RECORDS

- A. Confidential Records  
Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student’s parents or to an eligible student.
- B. Reports Under the Maltreatment of Minors Reporting Act  
Pursuant to Minnesota Statutes Chapter 260E 626.556, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by 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 Minnesota Statutes Chapter 260E 626.556, Subd. 11.  
  
Regardless of whether a written report is made under Minnesota Statutes Chapter 260E 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- C. Investigative Data  
Data collected by the school district as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. 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 not only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, an/or attorney data as defined by Minnesota Statutes sections 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a) a decision by the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
  - b) the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c) the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

D. Chemical Abuse Records

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

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

- A. 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, Minnesota Statutes sections 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, electronic mail address (which shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiting officers only) and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data to 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; and
- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail address (which shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiting officers only), or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the district MARSS specialist in writing, by October 1 of the school year or within 30 days of enrollment in school each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;

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

## **XII. LIMITS ON REDISCLOSURE**

- A. Re-disclosure  
Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.
- B. Re-disclosure 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 the Section VI. of this policy; and
- b) The school district has complied with the record-keeping requirements of the Section XIII. of this policy.

2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student, or to parents of dependent students or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a re-disclosure 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 the Section VII. of this policy, or disclosures to a parent or student, disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, or federal agency headed by an official listed in 34 C.F.R § 99.31(a)(3), or a third party outside of the school district improperly re-discloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

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

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

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

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

D. Review of Written Plan for Securing Student Records

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

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student ~~which~~ **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 disclosure.

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

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

- A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student  
The school district shall permit the parent of a student, an eligible student or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school district to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.
- B. Response to Request for Access  
The school district shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays.
- C. Right to Inspect and Review  
The right to inspect and review education records under Subdivision A. of this section includes:
1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
  2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested, or make other arrangements for the parent or eligible student to inspect and review the requested records.
  3. Nothing in this policy shall be construed as limiting the frequency of inspection of the educational records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.
- D. Form of Request  
Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.
- E. Collection of Student Records  
If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.
- F. Records Containing Information on More Than One Student  
If the education records of a student contain information on more than one

student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

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

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

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or

violates the privacy rights of the student may request that the school district amend those records.

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

**B. Right to a Hearing**

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

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

- b) if the education records of the student or the contested portion thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

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

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minnesota Statutes Chapter 14 relating to contested cases.

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means the Director of Communications
- C. Any requests by an individual with a disability for reasonable modifications of the school district's policies or procedures for purposes accessing records shall be made to the data practices compliance official.

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated there under, shall be submitted in writing to the **Family Policy Compliance Office**, U.S. Department of Education, **Student Privacy Policy Office** 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520 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 FERPA and the rules promulgated there under has occurred.

## **XVIII. WAIVER**

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

## **XIX. ANNUAL NOTIFICATION OF RIGHTS**

A. Contents of Notice

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

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

education records to other school officials whom the school district has determined to have legitimate educational interests; and

6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

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

C. Notification to Parents or Eligible Students Who are Disabled

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

## XX. DESTRUCTION AND RETENTION OF RECORDS

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

## XXI. COPIES OF POLICY

- A. Copies of this policy may be obtained by parents and eligible students at the office of the Superintendent's office.

### *Legal References:*

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 13.393 (Attorneys)

Minn. Stat. Ch. 14 (Administrative Procedures Act)

Minn. Stat. § 120A.22 (Compulsory Instruction)

Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)

Minn. Stat. § 121A.75 (Receipt of Records; Sharing Disposition Order and Peace Officer Records)

Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)

Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)

Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)

Minn. Stat. Ch. 256L (MinnesotaCare)

Minn. Stat. § 260B.171, subs. 3 and 5 (Disposition Order and Peace Officer Records of Children)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

Minn. Stat. § 363A.42 (Public Records; Accessibility)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)

10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
 18 U.S.C. § 2331 (Definitions)  
 18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
 20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)  
 20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
 20 U.S.C. § 7917 (Transfer of School Disciplinary Records)  
 25 U.S.C. § 5304 (Definitions – Tribal Organization)  
 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
 42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)  
 42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)  
 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
 42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273 309 (2002) 122 S.Ct. 2268, 153 L.Ed.2d

**Cross References:**

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
 MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
 MSBA/MASA Model Policy 506 (Student Discipline)  
 MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
 MSBA/MASA Model Policy 520 (Student Surveys)  
 MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
 MSBA/MASA Model Policy 722 (Public Data Requests)  
 MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)  
 MSBA ~~Service Manual, Chapter 13~~ School Law Bulletin “I” (School Records – Privacy – Access to Data)

# Student Information Release Agreement

South St. Paul  
Public Schools



## NOTE TO PARENTS

This is an "opt out" form for the 2022-23 school year for parents/guardians who DO NOT want a student's name, photograph, or directory information to be included in school directories, yearbooks, on school and district websites, or in news releases. If you have no objection to your student's information and photograph potentially appearing in internal and external publications, you do not need to do anything.

**If you wish to prohibit the use of your student's information and photograph, complete this form and return to your school by Friday, September 30, 2022.**

## LIMITATION ON DISTRICT RELEASE OF STUDENT INFORMATION

South St. Paul Public Schools recognizes its responsibilities in regard to the collection, maintenance and dissemination of students' educational records and data. District Policy 515 defines the procedures and practices for protecting the privacy of student information in accordance with state and federal law. Completion of this form is to **prohibit** the release of student directory information.

## STUDENT DIRECTORY INFORMATION

Directory information regarding a student is public information under state and federal law. Directory information as defined in District Policy 515 includes, but is not limited to, a student's name, address, telephone number, email address, photograph, date and place of birth, attendance dates, grade level, participation in activities and sports, degrees and awards received, and weight/height of athletic team participants. It also includes the name, address and telephone number of the student's parent(s).

A parent/guardian may refuse to have any or all of the directory information made public by notifying the building principal in writing by **Friday, September 30, 2022** or 30 days after enrollment in South St. Paul Public Schools. Submission of the bottom of this form to the building principal satisfies this notice requirement.

## PHOTOGRAPHY

As noted above, a student's photograph/image/recording is also directory information and may be released. A student may be photographed or recorded while at school or participating in school activities and events. Care is taken to ensure that the student and learning/activity/event environment is portrayed appropriately. If you choose not to have your child photographed or recorded by the district, please notify the building principal in writing by **Friday, September 30, 2022**. Submission of the bottom of this form to the building principal satisfies this notice requirement.

In accordance with District Policy 515, the above-noted designations or refusals will remain valid until the end of the 2022-23 school year. If you have any additional questions please contact your building principal.

I, as parent/guardian of the below named student(s), elect that the district is not able to disclose directory information for the 2022-23 school year. (Please select one of the following options.)

- The district MAY NOT release any directory information regarding the child(ren) listed below. This election includes the non-release of photographs/images/recordings.
- The district MAY NOT release any photographs/images/recordings of the child(ren), but MAY release directory information regarding the child.

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Parent/Guardian Name (please print): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_



*Adopted: January 24, 2005*

*MSBA/MASA Model Policy 516*

*Orig. 1995*

*Revised: 7/11/05; 10/23/06; 10/27/08; 11/10/14  
8/8/16; 6/26/1; 6/10/19; 5/26/20; 6/14/21  
6/27/22*

*Rev. 2022 ~~20~~*

## **516 STUDENT MEDICATION**

### **I. PURPOSE**

The purpose of this policy is to set forth the provisions that must be followed when administering non-emergency prescription and nonprescription over-the-counter (OTC) medication to students during the school day.

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

The school district acknowledges that some students may require medication during the school day. The school district's licensed school nurse, trained health clerk, principal, or teacher will administer medications, except any form of medical cannabis, in prescription and OTC, in accordance with law and school district procedures.

### **III. REQUIREMENTS**

- A. The administration of Food and Drug Administration (FDA) prescription, and non-prescription (OTC) medication or drugs at school requires a completed signed request from the student's parent and licensed prescriber. An oral request must be reduced to writing within two school days, provided that the school district may rely on an oral request until a written request is received.
- B. A "Medication Administration Consent" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minnesota Statutes section 152.22, Subd. 6.
- C. All medication must come to school in the original container labeled. Further, prescription medication must be labeled for the student by a pharmacist in accordance with law. It must be administered in a manner consistent with the instructions on the label.
- D. The licensed school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
- E. Medications are not to be carried by the student, but will be left with the appropriate school district personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Part J.5. below), prescribed anaphylaxis medications self-administered with an epinephrine

auto-injector (See part J.8 below), medications administered as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan) and nonprescription pain relief medicine for secondary students (see J.7).

- F. The school must be notified immediately by the parent or student 18 years old or older in writing of any change in the student's prescription medication administration. A new medical authorization and container label with new pharmacy instructions shall be required immediately as well.
- G. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.
- H. The licensed school nurse, or other designated person, shall be responsible for the filing of the Medication Administration Consent form in the health records section of the student file. The licensed school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.
- I. Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school district under Minnesota Statutes section 121A.21). The school district administration shall submit these procedures and any additional guidelines and procedures necessary to implement this policy to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.
- J. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.
- K. Specific Exceptions:
  - 1. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;

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

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

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

6. Medications:
  - a) that are used off school grounds;
  - b) that are used in connection with athletics or extracurricular activities; or
  - c) that are used in connection with activities that occur before or after the regular school dayare not governed by this policy.

7. Nonprescription Medication. A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients.
8. At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine auto-injectors that enables the student to:
  - a) possess epinephrine auto-injectors; or
  - b) if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors in close proximity to the student at all times during the instructional day.

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

9. A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.
- L. An adult student (age 18 or older) is not required to submit parent/guardian signatures but instead may provide signature for self.

- M. Districts and schools may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine.

A district or school may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

- N. Procedures regarding unclaimed drugs or medications
1. The school district has adopted the following procedure for the collection and transport of unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, the school district shall make a reasonable attempt to return unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually, but may occur more frequently at the discretion of the school district.
  2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes **sections** 152.01 subdivision 4, or is an over-the-counter medication, the school district will either designate an individual who shall be responsible for transporting the drug or medication to a designated drop-off box or collection site or request that a law enforcement agency transport the drug or medication to a drop-off box or collection site on behalf of the school district.
  3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes § 152.01, subdivision 4, the school district or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The school district must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

***Legal References:***

Minn. Stat. § 13.32 (Student Health Data)

Minn. Stat. § 121A.21 (Hiring of Health Personnel)

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)

**Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Auto-Injectors; Model Policy)**

**Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Auto-Injectors)**

Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)  
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)  
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)  
~~Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Auto Injectors; Model Policy)~~  
~~Minn. Stat. § 121A.2207 (Life Threatening Allergies in Schools; Stock Supply of Epinephrine Auto Injectors)~~  
Minn. Stat. § 151.212 (Label of Prescription Drug Containers)  
Minn. Stat. § 152.01 (Definitions)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
20 U.S.C. § 1400 *et seq.* Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

***Cross References:*** MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)



Adopted: October 6, 1992

MSBA/MASA Model Policy 518

Orig. 1995

Revised: 11/8/04; 8/8/16; 8/14/17; 6/10/19  
5/26/20; 6/14/21

Rev. 2003

## 518 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 confronted with requests 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 Resuscitate/Do Not Intubate (DNR-DNI) orders. The purpose of this policy is to provide guidance to school district staff and parents or guardians in these situations.

~~To provide guidance to District staff and parents or guardians in situations involving students with complex health needs.~~

### II. GENERAL STATEMENT OF POLICY

- A. The primary mission of the school district is education. DNR-DNI orders are medical documents. School district staff will not accept or honor requests to withhold emergency care or DNR-DNI orders. The school district will not convey such orders to emergency medical personnel.
- 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 DNR-DNI orders, shall be advised of and shall be given a copy of this policy.

**Legal References:** 29 U.S.C. § 794 *et seq.* (Section 504 of the Rehabilitation Act of 1973)  
42 U.S.C. §§ 12101-12213 (Americans with Disabilities Act)

**Cross References:**





Adopted: October 25, 2004

MSBA/MASA Model Policy 521

Orig. 1995

Revised: 11/10/14; 7/25/16; 8/14/17; 6/10/19  
5/26/20; 6/14/21; 6/27/22

Revised 2022 13

## 521 STUDENT DISABILITY NONDISCRIMINATION

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

### III. COORDINATOR

Persons who have questions or comments should contact the Director of Special Student Services, 104 – 5<sup>th</sup> Avenue South, South St. Paul, Minnesota 55075, (651) 457-9466. This person is the school district's Americans with Disabilities Act/504 Coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Grievance Report Form. The form should be given to the ADA/Section 504 coordinator.

**Legal References:** 42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)  
29 U.S.C. § 794 *et seq.* (§ 504 of Rehabilitation Act of 1973)  
34 C.F.R. Part 104 (Implementing Regulations)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination)



SPECIAL SCHOOL DISTRICT 6

STUDENT DISABILITY DISCRIMINATION GRIEVANCE REPORT FORM

General Statement of Policy Prohibiting Disability Discrimination

Special School District 6 maintains a firm policy prohibiting all forms of discrimination on the basis of a disability. All persons are to be treated with respect and dignity. Discrimination on the basis of a disability will not be tolerated under any circumstances.

Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

I have been discriminated against based on (choose one or more):

[my disability] / [a record of my disability] / [being regarded as having a disability]

because \_\_\_\_\_

Date of alleged incident(s): \_\_\_\_\_

Name of person you believe discriminated against you or another person: \_\_\_\_\_

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

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

Location of the incident(s): \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
(Complainant Signature)

\_\_\_\_\_  
(Date)

Received by: \_\_\_\_\_

\_\_\_\_\_  
(Date)



Adopted: October 25, 2004

MSBA/MASA Model Policy 522

Orig. 1995

Revised: 6/26/06; 7/25/16; 9/11/17; 6/10/19  
5/26/20; 8/24/20; 6/14/21; 6/27/22

Rev. 2020

## 522 TITLE IX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

### I. GENERAL STATEMENT OF POLICY

- A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.
- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

Title IX Coordinator—  
Chad Sexauer, Athletic & Activities Director/Assistant Principal  
700 North Second Street, South St. Paul, MN 55075  
(651) 457-9435  
[csexauer@sspps.org](mailto:csexauer@sspps.org)

**Alternate** Title IX Coordinator  
Leah Bourg, Middle School Principal  
700 North Second Street, South St. Paul, MN 55075  
(651)- 457-3659  
[lbourg@sspps.org](mailto:lbourg@sspps.org)

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

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

## **II. DEFINITIONS**

- A. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the school district’s Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. “Complainant” means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. “Day” or “days” means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- D. “Deliberately indifferent” means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- E. “Education program or activity” means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- F. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
  - 1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the

complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.

2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- G. “Informal resolution” means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. “Relevant questions” and “relevant evidence” are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- J. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

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

Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

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

#### **A. Equitable Treatment**

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

#### **B. Objective and Unbiased Evaluation of Complaints**

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

- C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

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

E. Right to an Advisor; Right to a Support Person

1. Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.
2. A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

F. Notice

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

G. Consolidation

1. The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one

party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### H. Evidence

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

#### I. Burden of Proof

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

#### J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g.,

forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

**K. Potential Remedies and Disciplinary Sanctions**

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

**IV. REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator’s contact information. A

report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

## **V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.
- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
  - 1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  - 2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - 3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;

4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of this policy.

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

### **A. Emergency Removal of a Student**

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

### **B. Employee Administrative Leave**

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

## **VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT**

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

### **VIII. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
  - 1. Would not meet the definition of sexual harassment, even if proven;
  - 2. Did not occur in the school district's education program or activity; or
  - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
  - 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
  - 2. The respondent is no longer enrolled or employed by the school district;  
or

3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

## **IX. INVESTIGATION OF A FORMAL COMPLAINT**

- A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

**X. DETERMINATION REGARDING RESPONSIBILITY**

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

6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **XI. APPEALS**

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
  1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
  3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

## **XII. RETALIATION PROHIBITED**

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

## **XIII. APPLICATION OF LAWS OTHER THAN TITLE IX**

- A. If a formal complaint is dismissed because the allegations, if true, would not constitute sexual harassment as described above or if a Decision-maker or Appellate decision-maker makes a determination that a respondent is not responsible for sexual harassment under these procedures, the Title IX Coordinator will consider whether the alleged conduct may constitute a violation of one or both of the alternative definitions below. If an investigation has already been conducted, the Title IX Coordinator may review the investigation to determine whether prohibited sexual harassment has occurred. If the Title IX Coordinator concludes that it has, the Title IX Coordinator shall report those findings to the Decision-maker and the Decision-maker shall impose or

recommend remedies. If no investigation has taken place, the complaint shall be investigated consistent with Policy 103.

**B. Alternative Definitions of Sexual Harassment**

**1. Minnesota Human Rights Act (Applicable to Employees and Students)**

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
- c. that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment, or educational environment.

**2. Title VII (Applicable to Employees)**

“Sexual harassment” mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**XIV. TRAINING**

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

1. The Title IX definition of sexual harassment;
2. The scope of the school district’s education program or activity;

3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
  4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
  6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

## **XV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
  2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;

3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

## **XVI. RECORDKEEPING**

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
  1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
  2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
  3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
  4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.
- B. The school district must also maintain for a period of seven calendar years records of:
  1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
  2. Any appeal and the result therefrom;
  3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Personnel.

***Legal References:***

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

***Cross References:***

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)



Adopted: February, 1998

MSBA/MASA Model Policy 526

Orig. 1997

Revised: 4/26/04; 9/9/13; 7/25/16; 6/26/17  
6/10/19; 5/26/20; 6/14/21; 6/27/22

Rev. 2014

## 526 HAZING PROHIBITION

### I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that are 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.

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 suspensions and/or expulsion

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

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

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- I. The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school district who is found to have violated this policy.

### **III. DEFINITIONS**

- A. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
  - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
  - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
  - 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.
- B. “Immediately” means as soon as possible but in no event, longer than 24 hours.
- C. “On school premises or school district property, or at school functions or activities, or on school transportation” means all school district buildings, school

grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approve for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

- D. “Remedial response” means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.
- E. “Student” means a student enrolled in a public school or charter school.
- F. “Student organization” means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

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

- A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report hazing anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party to use the report form available from the 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, the principal’s designee, or the building supervisor (hereinafter the “building report taker”) 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 hazing directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

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

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

## **V. SCHOOL DISTRICT ACTION**

- A. 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 building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited in this policy.
- C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines hazing has occurred, 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 report and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or 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, who provides information about hazing, who provides information about hazing, who testifies, assists, or participates in an investigation, or against any person who testifies, assists or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

## **VII. DISSEMINATION OF POLICY**

This policy shall appear in each school's student handbook and in each school's Building and Staff handbooks. The school district will develop a method for discussing this policy with students.

*Legal References:* Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)

526-5

***Cross References:***

Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])



*Adopted: January 24, 2005*

*MSBA/MASA Model Policy 528*

*Revised: 6/26/06; 8/14/17; 6/14/21; 6/27/22*

*Orig. 1999*

*Rev. 2003*

## **528 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 student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery there from, 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 district's Title IX Coordinator(s) is/are:

**Title IX Coordinator**

Chad Sexauer, Athletic & Activities Director/Assistant Principal

700 North Second Street, South St. Paul, MN 55075

(651) 457-9435

[csexauer@sspps.org](mailto:csexauer@sspps.org)

**Alternate Title IX Coordinator**

Leah Bourg, Middle School Principal

700 North Second Street, South St. Paul, MN 55075

(651)- 457-3659

[lbourg@sspps.org](mailto:lbourg@sspps.org)

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 Policy 522 – Student Sex Nondiscrimination.

**Legal References:** Minn. Stat. § 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)



*Adopted: November 22, 2004*

*MSBA/MASA Model Policy 530*

*Orig. 1999*

*Revised: 7/11/05; 6/25/07; 8/8/16; 6/26/17; 6/10/19  
5/26/20; 6/14/21; 6/27/22*

*Rev. 2022 ~~17~~*

## **530 IMMUNIZATION REQUIREMENTS**

### **I. PURPOSE**

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

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

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

### **III. STUDENT IMMUNIZATION REQUIREMENTS**

- A. No student may be enrolled or remain enrolled, on a full-time, part-time, or shared-time basis, in any elementary or secondary school within the school district until the student or the student's parent or guardian has submitted to the designated school district administrator the required proof of immunization. Prior to the student's first date of attendance, the student or the student's parent or guardian shall provide to the designated school district administrator one of the following statements:
1. a statement, from a physician, advanced practice registered nurse, physician assistant, or a public clinic which provides immunizations (hereinafter "medical statement"), affirming that the student received the immunizations required by law, consistent with medically acceptable standards; or
  2. a medical statement, affirming that the student received the primary schedule of immunizations required by law and has commenced a schedule of the remaining required immunizations, indicating the month and year each immunization was administered, consistent with medically acceptable standards.
- B. The statement of a parent or guardian of a student or an emancipated student may be substituted for the medical statement. If such a statement is substituted, this statement must indicate the month, day and year each immunization was administered. Upon request, the designated school district administrator will provide information to the parent or guardian of a student or an emancipated student of the dosages required for each vaccine according to the age of the student.

- C. The parent or guardian of persons receiving instruction in a home school shall submit one of the statements set forth in Section III.A. or III.B., above, or statement of immunization set forth in Section IV., below, to the superintendent of the school district by October 1 of the first year of their home schooling in Minnesota and the grade 7 year. ~~each school year.~~
- D. When there is evidence of the presence of a communicable disease, or when required by any state or federal agency and/or state or federal law, students and/or their parents or guardians may be required to submit such other health care data as is necessary to ensure that the student has received any necessary immunizations and/or is free of any communicable diseases. No student may be enrolled 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.
- E. The school district may allow a student transferring into a school a maximum of 30 days to submit a statement specified in Section III.A. or III.B., above, or Section IV., below. Students who do not provide the appropriate proof of immunization or the required documentation related to an applicable exemption of the student from the required immunization within the specified time frames shall be excluded from school until such time as the appropriate proof of immunizations or exemption documentation has been provided.
- F. If a person who is not a Minnesota resident enrolls in a school district online learning course or program that delivers instruction to the person only by computer and does not provide any teacher or instructor contact time or require classroom attendance, the person is not subject to the immunization, statement, and other requirements of this policy.

#### **IV. EXEMPTIONS FROM IMMUNIZATION REQUIREMENTS**

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

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

#### **V. NOTICE OF IMMUNIZATION REQUIREMENTS**

- A. The school district will develop and implement a procedure to:

1. notify parents and students of the immunization **and exemption** requirements and the consequences for failure to provide the required documentation **regarding immunizations**;
  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.
- B. 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.

## **VI. 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 515 Protection and Privacy of Pupil Records.
- C. The designated school district administrator will assist a student and/or the student's parent or guardian in the transfer of the student's immunization file to the student's new school within 30 days of the student's transfer.
- D. Upon request of a public or private post-secondary educational institution, the designated school district administrator will assist in the transfer of the student's immunization file to the post-secondary educational institution.

## **VII. OTHER**

- A. 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 Education 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. The school district also will forward a copy of all exemption statements received by the school district to the Commissioner of the Department of Health.

***Legal References:***

Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.15 (Health Standards; Immunizations; School Children)  
Minn. Stat. § 121A.17 (School Board Responsibilities)  
Minn. Stat. § 144.29 (Health Records; Children of School Age)  
Minn. Stat. § 144.3351 (Immunization Data)  
Minn. Stat. § 144.441 (Tuberculosis Screening in Schools)  
Minn. Stat. § 144.442 (Testing in Schools)  
Minn. Rules Parts 4604-0100-4604 1020 (Immunization)  
McCarthy v. Ozark Sch. District., 359 F.3d 1029 (8<sup>th</sup> Cir. 2004)  
Op. Atty. Gen. 169-W (Jan. 17, 1968)  
Op. Atty. Gen. 169-W (July 23, 1980)

***Cross References:***

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)



Adopted: April 26, 2004

MSBA/MASA Model Policy 531  
Orig. 2003

Revised: 6/26/06; 9/13/10; 8/8/16; 9/11/17  
6/10/19; 5/26/20; 6/14/21; 6/27/22

Rev. 2003

## 531 THE PLEDGE OF ALLEGIANCE

### I. PURPOSE

- A. The school board recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. The purpose of this policy is to provide for recitation of the Pledge of Allegiance and instruction in school to help further that end.

### II. GENERAL STATEMENT OF POLICY

- A. Students in this school district shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:
- B. By each individual classroom teacher or the teacher's surrogate; or
- C. Over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

### III. EXCEPTIONS

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

### IV. INSTRUCTION

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

**Legal References:** Minn. Stat. § 121A.11, Subd. 3 (Pledge of Allegiance)  
Minn. Stat. § 121A.11, Subd. 4 (Instruction)  
Elk Grove Unified Sch. Dist. V. Nedom, 542 U.S. 1, 124 S. Ct. 2301, 159 L.Ed.2d 98 (2004)

**Cross References:**



*Adopted: September 13, 2010*

*Revised: June 26, 2017; 9/13/21; 6/27/22*

## 534 WELLNESS

### I. PURPOSE

The purpose of this policy is to assure a school environment in South St. Paul Public Schools (the District) that enhances student attendance and academic performance by supporting healthy eating, physical activity and general wellbeing. The District is committed to providing a culture that supports whole child wellness, encouraging students in collaboration with families and community members, to maintain lifelong healthy eating habits, physical, social and emotional wellness.

### II. DEFINITIONS

- A. **Healthy, Hunger Free Kids Act:** Legislation that allowed USDA the opportunity to make real reforms to the school lunch and breakfast programs by improving the critical nutrition and hunger safety net for millions of children.
- B. **SHAPE (Society of Health and Physical Educators) National Standards:** Guidelines that define what a student should know and be able to do as a result of a highly effective physical education program.
- C. **USDA Smart Snacks Guidelines:** Standards include limits on portion size, calories, sodium, fat, and sugar. The new standards encourage healthier food and beverage options and limit the access to junk food during the school day. By implementing nutrition standards and promoting healthier options outside the cafeteria, we enhance the learning environment and contribute to the overall health and well-being of the students. National nutrition standards for foods and beverages sold outside of school meal programs during the School Day.
- D. **School Day:** The federally defined school day begins at Midnight through thirty (30) minutes after the school's final daily dismissal bell.
- E. **Safe Routes to School (SRTS):** A collaboration with the department of transportation, local government, local public safety (police department), and school district to promote physical activity by making it safer and easier for students to walk and bike to school.
- F. **United States Department of Agriculture (USDA) Dietary Guidelines for Americans (2020-2025):** Cornerstone for Federal nutrition programs and go-to resources for health professionals nationwide that provides food-based recommendations to promote health, help prevent diet-related chronic diseases, and meet nutrient needs.

- G. **Grab and Go Breakfast:** Breakfasts that are served in to-go containers for consumption in classrooms or other spaces that are not part of the cafeteria.
- H. **Second Chance Breakfast:** Breakfast distributed from mobile serving carts stationed throughout the school between first and second period classes.

### III. GENERAL STATEMENT OF POLICY

- A. The district recognizes that nutrition promotion and education and physical activity and other school-based activities that promote student wellness are essential components of the educational process and that good health fosters student attendance and education. School breakfast and lunch is promoted in all schools and families are informed of the link between healthy meals, especially a healthy breakfast, and the ability to learn.
- B. The school environment should promote and protect students' health, well-being, and ability to learn by promoting nutrition education and wellness activities, recognizing these as essential components of the education process, and formation of lifelong healthy behaviors.
- C. The district encourages the involvement of students, families, staff, teachers, nutrition service professionals, school health professionals, school board, school administrators, and the public in the development implementation, annual monitoring, periodic review and revising of the Wellness Policy through the district Wellness committee that meets regularly.
- D. Teachers, staff, and nutrition service personnel through participation in worksite wellness opportunities, and role modeling of healthy behaviors support nutrition education and wellness promotion. This is communicated and promoted with consistent messaging throughout the district, as well as to families and the community via posters, website, newsletters, and other means.
- E. All students in grades PreK-12 will have opportunities, support, and encouragement for integration of nutrition education, physical activity, and wellness promotion into every classroom and physical education (PE), as appropriate. It is also linked with the school food environment, afterschool programs, and nutrition-related community services.
- F. Qualified nutrition services personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and provides clean, safe, and pleasant settings and adequate time for students to eat. When feasible, the Nutrition Services department will procure food from local sources for the school meals program-supporting farm to school education.

- G. Qualified Child Nutrition personnel will provide allergen information, calorie, saturated fat, and sodium content of meals, as well as nutrition education for students, families, and staff, through the website and school cafeterias. Menus are planned offering a variety of nutrient rich fresh fruit and/or vegetables, whole grains and other minimally processed foods while incorporating locally grown foods into the menus.
- H. Students and staff shall have unrestricted access to free, safe, fresh drinking water at all times throughout the school day. Supervisory staff will facilitate access to water in the cafeteria during meal periods.
- I. The school environment will promote students' emotional and social health by providing safe surroundings for students to grow emotionally and socially.
- J. For the safety and health of students with disabilities and health conditions, including food allergies, the District will make reasonable accommodation in the school environment, according to a student's individual plan.

#### **IV. WELLNESS GOALS**

- A. Nutrition Education and Promotion
  - 1. 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 ability to learn;
    - b) part of classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate and offered in coordination with nutrition trained school food service staff as applicable; and
    - c) enjoyable, developmentally appropriate, culturally relevant, and includes participatory activities, such as contests, promotions, taste testing, surveys and field trips.
  - 2. 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, fundraising events, concession stands, and student stores.
  - 3. Schools will discourage the use of foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.

B. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Health education will reinforce the knowledge and self-management skills needed to maintain a healthy lifestyle and reduce sedentary activities such as watching television;
2. Opportunities for physical activity will be incorporated into other subject lessons, where appropriate; and
3. Classroom teachers are encouraged to provide short physical activity breaks between lessons or classes, as appropriate. The District will make every effort to provide physical activity training for all teachers.
4. All K-12 students will receive P.E. (at least 50 minutes per week for elementary school students, 50 minutes every other day for middle school students, 50 minutes every other day during a 12 week trimester for 9th and 10th grade high school students, and physical activity electives will be available to 11th and 12th grade high school students) during the school year.
5. The District will provide physical education classes that meet the Minnesota K-12 Academic Standards and District Priority benchmarks that are based partially on SHAPE, and should be taught by certified Physical Education staff to promote enjoyable lifelong healthy behavior and lifestyle.
6. Withholding physical activity such as recess or Physical Education shall not be used as punishment. Physical activity may not be assigned or withheld to students as a consequence of poor behavior or punishment for any reason.
7. Elementary students shall have a supervised recess break daily, preferably outdoors and before lunch. Elementary students shall have a minimum of 20 minutes for recess each school day.
8. Schools shall make outdoor and indoor physical activity facilities available for community use when not being used for school activities.
9. School age childcare programs shall encourage daily physical activities.
10. The District will provide Safe Routes to School support for active transportation. Support includes but is not limited to:
  - a) Encouraging parents, students, and staff to actively commute to and from, and/or at school, when it is safe to do so.
  - b) Coordinating with district departments and other entities that are involved in Safe Routes to School efforts such as local, county and state public works, police, non-profits, and local public health.

- c) Working with these partners, the school district will assess and, if necessary and to the extent possible, make needed improvements to make it safer and easier for students to actively commute to, from, and/or at school.
- d) Promoting Safe Routes to School program and resources to staff, parents, and students via newsletters and websites and social media.
- e) Providing secure bike storage (or bike racks) at all schools.
- f) Support planning/technical assistance to individual schools.

C. Social and Emotional Wellness

- 1. The District will encourage student understanding of the impact of emotional and social health on overall well-being.
- 2. The District will promote student wellness through prevention of high-risk behaviors, including but not limited to: e-cigarettes, alcohol, tobacco, unsafe driving practices and aggressive behaviors. The district encourages an environment where students feel safe to disclose issues of abuse.
- 3. The District will partner with community agencies to assist students and their families to access available health and mental health resources and social services to address healthy eating, physical activity, mental well-being, and related chronic disease prevention.

D. Staff Wellness and Health Promotion

- 1. The Wellness Committee identify and disseminate wellness resources, and perform other functions that support staff wellness in coordination with human resources staff. Schools will implement strategies to support staff in actively promoting and modeling healthy behaviors such as: drinking water, healthy eating habits, being physically active, and demonstrating healthy social and emotional well-being.
- 2. When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school.
- 3. Professional learning will promote District staff's understanding of the connections between academics and health.

E. Communications with Families

- 1. The school district recognizes that families have a primary and fundamental role in promoting and protecting their children's health and emotional and social well-being. The District will promote educational opportunities for students and families to learn about the impact positive emotional well-being has on one's health.

2. The school district will support families' efforts to provide a healthy diet and daily physical activity for their children.
3. The district encourages families to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value. The school district will encourage families to send only healthy classroom snacks that meet the Smart Snack Guidelines, as outlined in the Family Handbook.
4. The district discourages students from bringing food/drink items for birthday celebrations.
5. The school district will provide information about physical education and other school-based physical activity opportunities and will support families' efforts to provide their children with opportunities to be physically active outside of school.
6. The district will provide opportunities for parents/guardians to view online what students are purchasing with their lunch money, as well as the nutritional content of foods on the menus, which will enable parents/guardians to encourage their students to make healthy food choices. The school menu will be posted online.

## **V. STANDARDS AND NUTRITION GUIDELINES**

### **A. School Meals**

1. All schools within the district will participate in USDA child nutrition programs, which may include the National School Lunch Program (NSLP), the School Breakfast Program (SBP), Afterschool Care Snack Service, Fresh Fruit & Vegetable Program (FFVP), Special Milk Program (SMP), Seamless Summer Option (SSO), and the Summer Food Service Program (SFSP). All programs will meet or exceed all applicable federal, state, and local laws, rules, and regulations.
2. Qualified nutrition services personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.
3. Menu planning will accommodate the religious, ethnic, and cultural diversity of the student body to the best of its ability.
4. Nutrition services personnel will provide clean, safe, and pleasant settings.
5. The district will make free, safe and unflavored drinking water available to all students during mealtimes at every site.

6. Nutrition service personnel shall adhere to all applicable federal, state, and local food safety and security guidelines
7. The district will make every effort to eliminate any social stigma attached to, and prevent the overt identification of students and families who are eligible for free and reduced-price school meals by using computerized meal accounts and promoting online application completion and encouraging ALL households to complete applications for Educational Benefits. The negative meal balance procedures will be communicated to all families at the beginning of each school year through the Family Handbook.
8. The district will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
9. The district will make every effort to provide students with sufficient time to eat after sitting down (10 minutes to eat breakfast and a minimum of 20 minutes to each lunch) for school meals and will schedule meal periods at appropriate times during the school day. The district will make every effort to offer recess before lunch at elementary schools to increase student nutrient intake and reduce food waste.
10. The school district will discourage tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities.
11. The district will provide elementary students a place to hang outerwear prior to coming into the cafeteria when recess is scheduled immediately before or after the lunch period.
12. Grab and Go Breakfasts will be provided at all schools for students that arrive after the regular breakfast period. Second Chance Breakfast will be offered at the secondary school level.

**B. School Nutrition Service Program/Personnel**

1. The district shall designate a Nutrition Services Director to be responsible for the district's food nutrition services 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 Healthy Hunger Free Kids Act guidelines for all elementary and middle school foods offered at the high school will be consistent with the USDA Guidelines for Americans.
2. All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals.

C. Competitive Foods and Beverages

1. The district will require that all foods and beverages made available on campus during the regular school day will meet USDA Child Nutrition Standards (Smart Snacks). This includes but is not limited to concessions, school stores, beverage contracts and all other instances where food or beverages are provided or sold. No foods and beverages containing caffeine will be sold during the school day.
2. Before and Aftercare (childcare) programs are encouraged to comply with the district's nutrition standards unless they are reimbursable under USDA school meals program, in which case they must comply with all applicable USDA standards.

D. Other School-Based Activities

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus, including those foods provided through:
  - a) Celebrations and parties. Classroom celebrations are encouraged to focus on physical activities rather than food. Healthy food choices (in compliance with USDA Smart Snacks nutrition standards) will be encouraged. Caution will be exercised when offering foods and materials that may cause allergic reactions.
  - b) Classroom snacks brought by parents. The school district will provide parents a list of suggested foods and beverages that meet USDA Smart Snacks nutrition standards posted on the school district's website or otherwise made available to the public. Non-food items will be strongly encouraged.
2. Rewards and incentives. Schools will not use foods or beverages as rewards for academic performance or good behavior (unless this practice is allowed by a student's individual education plan or behavior intervention plan) and will not withhold food or beverages as punishment.
3. Fundraising. The district will only have non-food fundraising. Catering through the district Nutrition Services Department is allowed. The school district will make available to parents and teachers a list of suggested healthy fundraising ideas on the school district's website and in the Family Handbook.

E. Food and Beverage Marketing in Schools

1. School-based marketing will be consistent with nutrition education and health promotion.
2. Schools will restrict food and beverages marketing to the promotion of only those foods and beverages that meet the USDA Smart Snacks nutrition standards.

## VI. IMPLEMENTATION AND MONITORING

- A. After approval by the school board, the wellness policy will be implemented throughout the school district. The Wellness Committee will share the wellness policy with district staff at the beginning of each school year.
- B. The Wellness Committee will have a minimum of four meetings per year to help ensure monitoring of the policy.
- C. Monitoring and an in-house assessment will be repeated annually by the Wellness Committee to help review Wellness Policy compliance, assess progress, and determine areas in need of improvement and/or revision. Measurable outcomes will be determined by the wellness committee.
- D. The school district's Nutrition Services Director or designee will ensure compliance in food service area and provide an annual report to the superintendent setting forth the nutrition guidelines and procedures for selection of all foods made available through the school food service program as well as the most recent MDE review, findings and updates.
- E. The Superintendent shall designate appropriate staff, parents, students, and community members to serve on the Wellness Committee that will have the responsibility to ensure the implementation and compliance of the wellness policy. The Wellness Committee will ensure compliance with the policy and measure progress towards district goals.
- F. The Wellness Committee will support monitoring and evaluation of the Wellness Policy, and will make recommendations regarding the policy to the superintendent and School Board.
- G. The committee will conduct an assessment of the wellness policy every three years to assess compliance with the wellness policy, compare the district wellness policy with model wellness policies, and assess progress in attaining the goals of the wellness policy.
- B. The report of the triennial assessment will be given to the School Board in addition to being kept on file, and posted on the district website. The report will include an assessment on compliance, the extent to which our wellness policy compares to model wellness policies, and progress made in achieving goals.

**Legal References:** Minn. Stat. § 121A.215 (Local School District Wellness Policy)  
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)  
42 U.S.C. § 1758b (Local School Wellness Policy)  
42 U.S.C. § 1771 *et seq.* (Child Nutrition Act of 1966)  
7 U.S.C. § 5341 (Establishment of Dietary Guidelines)  
7 C.F.R. § 210.10 (School Lunch Program Regulations)  
7 C.F.R. § 220.8 (School Breakfast Program Regulations)

**Local Resources:** Minnesota Department of Education, [www.education.state.mn.us](http://www.education.state.mn.us)  
Minnesota Department of Health, [www.health.state.mn.us](http://www.health.state.mn.us)  
County Health Departments  
Action for Healthy Kids Minnesota, [www.actionforhealthykids.org](http://www.actionforhealthykids.org)  
United States Department of Agriculture, [www.fns.usda.gov](http://www.fns.usda.gov)

*Adopted: October 23, 2000*

*Revised: 6/28/04; 3/12/07; 10/27/08; 1/11/10; 8/24/15  
7/25/16; 4/24/17; 8/13/18; 6/10/19; 5/26/20  
6/14/21; 6/27/22*

## **536 STUDENT INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY**

### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for student access to district and school information technology, known in this document as “District Information Technology,” including but not limited to district computers, devices, printers and other accessories, networks, Internet access, electronic communications, and third-party systems the district licenses and makes available to employees and students.

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

In making decisions regarding student and staff access to District Information Technology, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables the school community to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of District Information Technology throughout the curriculum and will provide guidance and instruction to students in their use.

### **III. PURPOSE LIMITED TO EDUCATION**

The school district provides students with access to District Information Technology. District Information Technology has a limited educational purpose, which includes use of the system for classroom activities, educational research and professional or career development. Students are expected to use the district system to further educational goals consistent with the school district’s mission, strategic plan and policies. Uses which might be acceptable on a user’s private personal account on another system may not be acceptable on this limited-purpose network.

#### **IV. USE OF DISTRICT TECHNOLOGY RESOURCES IS A PRIVILEGE**

The use of District Information Technology and its access to the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the District Information Technology or the Internet may result in one or more of the following consequences: suspension, cancellation or restriction of use or access privileges, payments for damages and repairs, discipline under other appropriate school district policies, including suspension or expulsion of students, or civil or criminal liability under other applicable laws.

#### **V. BRING YOUR OWN DEVICE (BYOD)**

- A. A student's personal device may be connected to the District's network or systems if it complies with district standards and is compatible with the district systems. All BYOD devices attached or connected to the district network are subject to the same policies and procedures established for the use of district-owned equipment.
- B. All use of BYOD devices must adhere to the district STUDENT INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY (AUP). The student and parent/guardian must have signed and returned the AUP prior to using the device and accessing the district network.
- C. District technicians will not service, repair, or maintain BYOD devices. The District will not provide software for installation on BYOD devices. District will not be held liable or responsible for physical damage, loss or theft of the device, loss of personal content stored on the device, or charges incurred during use of the device.
- D. Student use of BYOD must support classroom instructional activities and adhere to all instructions given by staff.
- E. Students are prohibited from using any personal device as a hotspot to circumvent the district wireless network and content filters.
- F. The district reserves the right to limit Wi-Fi connectivity for personal devices that are not approved for BYOD use.

#### **VI. ACCEPTABLE USE GUIDELINES FOR DISTRICT INFORMATION TECHNOLOGY**

- A. Users must respect and protect the privacy of others by:
  - 1. Using only accounts assigned to them.

2. Only viewing, using, or copying passwords, data, or networks to which they are authorized.
  3. Refraining from distributing private information about others or themselves.
- B. Users must respect and protect the integrity, availability, and security of all electronic resources by:
1. Observing all district Internet filters and posted network security practices.
  2. Reporting security risks or violations to a teacher or network administrator.
  3. Not destroying or damaging data, networks, or other resources that do not belong to them, without clear permission of the owner.
  4. Conserving, protecting, and sharing these resources with other users.
  5. Notifying a staff member or administrator of computer or network malfunctions.
- C. Users must respect and protect the intellectual property of others by:
1. Following copyright laws (not making illegal copies of music, games, or movies).
  2. Citing sources when using others' work (not plagiarizing).
- D. Users must respect and practice the principles of community by:
1. Communicating only in ways that are kind and respectful.
  2. Reporting threatening, offensive or discomforting materials to a staff member or administrator.
  3. Not intentionally accessing, transmitting, copying, or creating material that violates the school's code of conduct (such as messages/content that are pornographic, threatening, rude, discriminatory, defamatory or meant to harass or bully).
  4. Not intentionally accessing, transmitting, copying, or creating material that is illegal (such as obscenity, stolen materials, or illegal copies of copyrighted works).
  5. Not using the resources to further other acts that are criminal or violate the school's code of conduct.

6. Avoiding spam, chain letters, or other mass unsolicited mailings.
  7. Refraining from buying, selling, advertising, or otherwise conducting business, unless approved as a school project.
- E. Students may, if in accord with district policies and under direction of staff:
1. Design and post web pages and other material from school resources.
  2. Communicate electronically via tools such as email, chat, text, or videoconferencing.
  3. Install or download software, in conformity with laws and licenses.
  4. Use technology resources for educational purposes.

F. Consequences for Violation

Violations of these rules may result in disciplinary action, including the loss of a user's privileges to use the school's digital resources. Further discipline may be imposed in accordance with district policies up to and including suspension or expulsion depending on the degree and severity of the violation.

## **VII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of the District Information Technology and use of the Internet shall be consistent with school district policies and the mission of the school district.

## **VIII. LIMITED EXPECTATION OF PRIVACY**

- A. By authorizing use of the District Information Technology, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy for content they store on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.

- D. Parents have the right at any time to investigate or review content their child has stored on the district system to the extent possible without compromising other students' privacy. Parents have the right to request the suspension of their child's individual account at any time.
- E. Students should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

**IX. STUDENT INFORMATION TECHNOLOGY ACCEPTABLE USE AGREEMENT**

- A. The proper use of District Information Technology systems, including the Internet, and the educational value to be gained from proper use, is the joint responsibility of students, parents and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Student Information Technology Acceptable Use Agreement must be read and signed by the user and a parent or guardian prior to the student being granted access to the district system. Signed agreements will be retained by the district. The district may require students to re-sign the agreement periodically thereafter as Technology changes require. The content of this agreement shall be included in each school's student/parent handbook as an annual review.

**X. LIMITATION ON SCHOOL DISTRICT LIABILITY**

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

## **XI. USER NOTIFICATION**

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
  - 1. Notification that Internet use is subject to compliance with school district policies.
  - 2. Disclaimers limiting the school district's liability relative to:
    - a) Information stored on school district storage media, hard drives or servers.
    - b) Information retrieved through school district computers, networks or online resources.
    - c) Personal property used to access school district computers, networks or online resources.
    - d) Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
  - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  - 4. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
  - 5. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this Acceptable Use Policy.
  - 6. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student or the student's parents.
  - 7. Notification that should a student violate the school district's Acceptable Use Policy, the student's access privileges may be revoked, disciplinary action may be taken and/or appropriate legal action may be taken.
  - 8. Notification that all provisions of the Acceptable Use Policy are subordinate to local, state and federal laws.

## **XII. PARENT RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE**

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

## **XIII. IMPLEMENTATION AND POLICY REVIEW**

- A. The school district administration will develop appropriate user notification forms, guidelines and procedures necessary to implement this policy.
- B. This policy will be reviewed annually and the administration will recommend changes as necessary.
- C. The school district Internet policies and procedures are available for review by all parent/guardian, staff and members of the community.

## **XIV. CONTENT FILTERING**

- A. With respect to any of its computers with Internet Access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
  - 1. Obscene;
  - 2. Child pornography; or
  - 3. Harmful to minors.
- B. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:
  - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, excretion; or

2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  3. Taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interaction with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response.
- F. Although student use of the Internet at school is subject to content filtering and is supervised by staff, we cannot guarantee that students will not gain access to inappropriate materials. We encourage parents to have a discussion with their children about values and how those beliefs should guide student activities while using the Internet.

**Legal References:**

15 U.S.C. § 6501 *et seq.* (Children’s Online Privacy Protection Act)  
 17 U.S.C. § 101 *et seq.* (Copyrights)  
 47 U.S.C. § 254 (Children’s Internet Protection Act of 2000 (CIPA))  
 47 C.F.R. § 54.520 (FCC rules implementing CIPA)  
 Minn. Stat. § 121A.031 (School Student Bullying Policy)  
 Minn. Stat. § 125B.15 (Internet Access for Students)  
 Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)  
*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*United States v. Amer. Library Assoc.*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)  
*Doninger v. Niehoff*, 527 F.3d 41 (2<sup>nd</sup> Cir. 2008)  
*R.S. v. Minnewaska Area Sch. Dist. No. 2149*, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)  
*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), *aff’d* on other grounds 816 N.W.2d 509 (Minn. 2012)  
*S.J.W. v. Lee’s Summit R-7 Sch. Dist.*, 696 F.3d 771 (8<sup>th</sup> Cir. 2012)  
*Kowalski v. Berkeley County Sch.*, 652 F.3d 565 (4<sup>th</sup> Cir. 2011)  
*Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3<sup>rd</sup> Cir. 2011)  
*Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F.Supp.2d 888 (W.D. Mo. 2012)  
*M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)

***Cross References:***

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 603 (Curriculum Development)  
MSBA/MASA Model Policy 604 (Instructional Curriculum)  
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)  
MSBA/MASA Model Policy 806 (Crisis Management Policy)  
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)



*Adopted: November 22, 1999*

*Revised: 5/26/09; 8/8/16; 8/14/17; 6/10/19; 5/26/20; 6/14/21  
6/27/22*

## **550 ATTENDANCE AT STATE TOURNAMENTS**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for student or staff release from school to attend state tournament competitions. Because of increased academic requirements and the District's commitment to academic excellence, classes at South St. Paul Schools will not be cancelled or released early during state tournament competitions.

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

- A. Students in good academic and behavioral standing may be released from classes to attend state tournament competitions under the procedures set out in Part III.A. of this policy.
- B. Staff members may be released from the building to attend state tournament competitions under the procedures set out in Part III.B. of this policy.
- C. The decision to grant release is delegated to the building principals (superintendent for district-wide employees) and is not subject to review by the School Board.

### **III. PROCEDURES**

#### **A. Student Release**

**Eligibility for Release:** A student must exhibit satisfactory (i) academic progress, (ii) behavior in school, (iii) adherence to attendance policies, and (iv) extracurricular eligibility and behavioral standards.

**Permission:** Before the state tournament competition, a student must submit a written parent/guardian permission slip authorizing the student to be released from school. If a South St. Paul team or individual is involved in the state tournament competition, and tickets are sold in advance of the competition, the student must present proof of purchase of tickets in addition to parent/guardian permission. If tickets are not sold in advance, or if the state tournament competition does not involve a South St. Paul team or individual, the student may be required to verify attendance at the state tournament competition by submitting ticket stubs upon return to school.

**Treatment of Release:** Release from school to attend state tournament competition is considered either a school-approved field trip or a school-approved vacation.

- a. **School-approved field trip:** Coach/Director or school representative will be responsible for the supervision of this activity. The Activities Director will set a common release time.

- b. School-approved vacation: The school is not in direct supervision of this activity. The parent/guardian or their designee will be responsible for supervision of the student.

#### B. Staff Release

Staff may be released from the building to attend state tournament competitions if (a) prior approval is received from the building principal (superintendent for district-wide staff) before the state tournament competition, and (b) no additional district funds are used in order to provide a substitute for the staff member (i.e. overload or substitute pay). Staff members who are eligible for personal leave may use such leave to attend state tournament competitions in accordance with the requirements for approval of personal leave. Personal leave cannot be used in less than full-day increments under the provisions of this policy. There may be uncontrollable circumstances that could result in a staff member being released to attend an event following the approval by the Principal and Superintendent.



Adopted: August 9, 2004

MSBA/MASA Model Policy 608

Orig. 1995

Revised: 8/28/06; 10/27/08; 1/11/10; 8/8/16  
4/9/18; 6/10/19; 5/26/20; 6/14/21; 6/27/22

Rev. 2022 09

## 608 INSTRUCTIONAL SERVICES – SPECIAL EDUCATION

### I. PURPOSE

- A. The purpose of this policy is to set forth the position of the school board on the need to provide special educational services to some students in the school district.

### II. GENERAL STATEMENT OF POLICY

- A. The school board recognizes that some students need special education and further recognizes the importance of providing a free appropriate public education and delivery system for students in need of special education.

### III. RESPONSIBILITIES

- A. The school board accepts its responsibility to identify, evaluate and provide special education and related services for disabled children who are properly the responsibility of the school district and who meet the criteria to qualify for special education and related services as set forth in Minnesota and federal law.
- B. The school district shall ensure that all qualified disabled children with a disability are provided special education and related services which that are appropriate to their educational needs.
- C. When such services require or result from interagency cooperation, the school district shall participate in such interagency activities in compliance with applicable federal and state law.

**Legal References:** Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 125A.02 (Definition of Child with a Disability)  
Minn. Stat. §§ 125A.027, 125A.03, 125A.08, 125A.15, and 125A.29 (District Obligations)  
20 U.S.C. § 1400 *et seq.* (IDEA, Individuals with Disabilities Education Improvement Act of 2004)

**Cross References:** MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Model Policy 508 (Extended School Year for Certain Students with Individualized Education Programs)  
MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)



Adopted: August 9, 2004

MSBA/MASA Model Policy 611

Orig. 1996

Revised: 7/11/05; 8/28/06; 7/25/16; 6/10/19  
7/27/20; 6/14/21; 6/27/22

Rev. 2017

## 611 HOME SCHOOLING

### I. PURPOSE

The purpose of this policy is to recognize and provide guidelines in accordance with state law for parents who wish to have their children receive education in a home school that is an alternative to an accredited public or private school.

### II. GENERAL STATEMENT OF POLICY

The Compulsory Attendance Law (Minnesota Statutes section. Stat. § 120A.22) provides that the parent or guardian of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship. (Minnesota Statutes section. Stat. § 120A.22, Subd. 1)

### III. CONDITIONS FOR HOME SCHOOLING

The person in charge of a home school and the school district must provide instruction and meet the requirements specified in Minn. Stat. § 120A.22.

### IV. IMMUNIZATION

The parent or guardian of a home-schooled child shall submit statements as required by Minnesota Statutes section. Stat. § 121A.15, Subds. 1, 2, 3, 4, and 12 on the appropriate Minnesota Department of Education form, to the superintendent of the school district in which the child resides by October 1 of the first year of home schooling in Minnesota and the grade 7 year. (Minn. Stat. § 121A.15, Subd. 8)

### V. TEXTBOOKS, INSTRUCTIONAL MATERIAL, STANDARD TESTS

Upon formal request as required by law, the school district will provide textbooks, (including a teacher's edition, guide, or other materials that accompany a textbook when the edition, guide, or materials are packaged physically or electronically with textbooks for student use), individualized instructional or cooperative learning materials software or other educational technology, and standardized tests and loan or provide them for use by a home-schooled child as provided under state law in Minn. Stat. § 123B.42 and Minn. Rules Ch. 3540. The school district is not required to expend any amount for this purpose that exceeds the amount it receives pursuant to Minn. Stat. §§ 123B.40 123B.48 state law for this purpose. If curriculum has both physical and electronic components, the school district will, at the request of the student or the student's parent or guardian, make the electronic component accessible to a resident student provided that the school district does not incur more than an incidental cost as a result of providing access electronically.

## VI. PUPIL SUPPORT SERVICES

Upon formal request as required by law, the school district will provide pupil support services in the form of health services and counseling and guidance services to a home-schooled child as provided under state law, by Minn. Stat. § 123B.44 and Minn. Rules Ch. 3540. The school district is not required to expend an amount for any of these purposes that exceeds the amount it receives pursuant to state law Minn. Stat. §§ 123B.40-123B.48 for any of these purposes.

## VII. EXTRACURRICULAR ACTIVITIES

Resident pupils who receive instruction in a home school (where five or fewer students receive instruction) may fully participate in extracurricular activities of the school district on the same basis as other public school students. (Minn. Stat. §§ 123B.36, Subd. 1, and 123B.49, Subd. 4)

## VIII. SHARED TIME PROGRAMS

Enrollment in class offerings of the school district.

- A. A home-schooled child who is a resident of the school district may enroll in classes in the school district as a shared time pupil on the same basis as other nonpublic school students. The provisions of this policy shall not be determinative of whether the school district allows the enrollment of any pupils on a shared-time basis.
- B. The school district may limit enrollment of shared-time pupils in such classes based on the capacity of a program, class, grade level, or school building. The school board and administration retain sole discretion and control over scheduling of all classes and assignment of shared time pupils to classes.

## IX. OPTIONAL COOPERATIVE ARRANGEMENTS

### A. Activities

1. Minnesota State High School League sponsored activities (where six or more students receive instruction in the home school or the home school students are not residents of the school district).

A home school which is a member of the Minnesota State High School League may request that the school district enter into a cooperative sponsorship arrangement as provided in Minnesota State High School League bylaws Bylaw 403.00. The approval of such an arrangement shall be at the discretion of the school board.

- a. The home school must become a member of the Minnesota State High School League in accordance with the rules of the Minnesota State High School League.

- b. The home school is solely responsible for any costs or fees associated with its application for and/or subsequent membership in the Minnesota State High School League.
  - c. The home school is responsible for any and all costs associated with its participation in a cooperative sponsorship arrangement as well as any school district activity fees associated with the Minnesota State High School League activity.
2. Non-Minnesota State High School League activities where six or more students receive instruction in the home school.

A home-schooled child may participate in non-Minnesota State High School League activities offered by the school district upon application and approval from the school board to participate in the activity and the payment of any activity fees associated with the activity. However, home school students may not be charged higher activity fees than other public school students. An approval shall be granted at the discretion of the school board.

#### B. Transportation Services

1. The school district may provide nonpublic nonregular transportation services to a home-schooled child.
2. The school board of the school district retains sole discretion and control and management of scheduling routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, and any other matter relating to the provision of transportation services.

#### *Legal References:*

Minn. Stat. § 124D.03 (Enrollment Options Program)  
 Minn. Stat. § 120A.22 (Compulsory Instruction)  
 Minn. Stat. § 120A.24 (Reporting)  
 Minn. Stat. § 120A.26 (Enforcement and Prosecution)  
 Minn. Stat. § 123B.49 (Co-curricular and Extracurricular Activities Insurance)  
 Minn. Stat. § 121A.15 (Health Standards; Immunizations; School Children)  
 Minn. Stat. § 123B.36 (School Boards May Require Authorized Fees)  
 Minn. Stat. § 123B.41 (Definitions)  
 Minn. Stat. § 123B.42 (Textbooks, Individual Instruction Material or Cooperative Learning, Standard Tests)  
 Minn. Stat. § 123B.44 (Provision of Pupil Support Services)  
 Minn. Stat. § 123B.86 (Equal Treatment - Transportation)  
 Minn. Stat. § 123B.92 (Transportation Aid Entitlement)  
 Minn. Rules Ch. 3540 (Textbooks, Individualized Instruction Materials Standardized Tests Nonpublic Schools)

***Cross References:*** MSBA/MASA Model Policy 509 (Enrollment of Nonresident Students)  
MSBA/MASA Model Policy 510 (School Activities)



Adopted: June 22, 1998

*MSBA/MASA Model Policy 613*

Revised: 8/9/04; 9/26/05; 9/24/07; 1/26/09; 8/10/09  
9/9/13; 7/27/15; 7/25/16; 9/11/17; 6/10/19  
7/27/20; 6/14/21; 6/27/22

Orig. 1997  
Rev. 2022 19

## **613 GRADUATION REQUIREMENTS**

### **I. PURPOSE**

The purpose of this policy is to set forth requirements for graduation from the school district.

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

It is the policy of the school district that all students must pass the Minnesota state graduation standards, test requirements or higher guidelines in all mandated academic areas as per state requirements or guidelines and must satisfactorily complete, as determined by the school district, all course credit requirements and graduation standards, as established by the school board, in order to graduate.

### **III. DEFINITIONS**

- A. “Academic standard” means: (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, or the arts, or (2) a locally adopted expectation for student learning in health, the arts, career and technical education, or world languages.
- B. “Course credit” is equivalent to a student’s successful completion of an academic trimester of study or a student’s mastery of the applicable subject matter, as determined by the school district. Successful completion is determined by obtaining a grade of D- or higher in a given course. Grading scales can be found in the SSP Secondary Student Handbook.
  - 1. SSP Secondary students may only earn weighted grades in International Baccalaureate Diploma Program courses. A list of Diploma Courses with weighted grades can be found on the SSP Secondary website.
- C. “Section 504 Accommodation” means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities.
- D. “Individualized Education Program,” or “IEP,” means a written statement developed for a student eligible by law for special education and services.

- E. “English Language Learner” or “ELL” student means an individual whose first language is not English and whose academic success may be negatively impacted by lack of English language proficiency.

#### **IV. DISTRICT ASSESSMENT COORDINATOR**

The Director of Learning is the school district’s District Assessment Coordinator in charge of all test procedures.

#### **V. GRADUATION REQUIREMENTS**

- A. All students must meet Minnesota Graduation requirements in all mandated academic course and assessment areas as per state requirements or guidelines in order to graduate.
- B. Students beginning ninth grade in the 2009-2010 school year and later must successfully complete, as determined by the school district, the following high school level course credits for graduation:
  - 1. Twelve credits of language arts;
  - 2. Nine credits of mathematics, including three credits of algebra II or its equivalent, geometry, statistics and probability, or its equivalent, sufficient to satisfy all of the academic standards in mathematics. Students must satisfactorily complete three credits of algebra I by the end of 8th grade, sufficient to satisfy all of the 8th grade standards in mathematics.
  - 3. Nine credits of science, including at least three credits of biology, three credits of chemistry or physics and three elective credits of science. The combination of credits must be sufficient to satisfy all of the academic standards in either chemistry or physics and all other academic standards in science.
  - 4. Twelve credits of social studies, encompassing United States history, geography, government and citizenship, world history, and economics;
  - 5. One credit of physical education;
  - 6. Two credits in the arts;
  - 7. A minimum of:
    - a. Class of 2019 and classes thereafter, 20 MYP/elective credits plus 45 required credits for a total of 65 credits.
    - b. To allow for academic interventions, MYP requirements are subject to change based on individual student needs.
- C. All students must satisfactorily complete the following Minnesota Academic Standards, in accordance with the standards developed by the Department of Education:

1. Minnesota Academic Standards, English Language Arts K-12;
  2. Minnesota Academic Standards, Mathematics K-12;
  3. Minnesota Academic Standards, Science K-12;
  4. Minnesota Academic Standards, Social Studies K-12;
  5. Minnesota Academic Standards, Arts K-12;
  6. Minnesota Academic Standards, Physical Education K-12
- D. All students must satisfactorily complete the following required and elective standards, in accordance with the standards adopted by the school district:
1. School District Standards, Health (K-12);
  2. School District Standards, Career and Technical Education (K-12); and
  3. School District Standards, World Languages (K-12).

## VI. EARLY GRADUATION

Students may be considered for early graduation, as provided for within Minnesota Statutes section 120B.07 upon meeting the following conditions:

- A. All course or standards and credit requirements must be met;
- B. The principal or designee shall conduct an interview with the student and parent or guardian, familiarize the parties with opportunities available in post-secondary education, and arrive at a timely decision; and
- C. The principal's decision shall be in writing and may be subject to review by the superintendent and school board.

## VII. NOTICE

The students and their parents are notified of the school district's graduation requirements through the Student Handbook that is distributed and reviewed at the beginning of each school year or upon registration. Each student must sign and return the handbook agreement form indicating they have received the handbook and agree to ask questions to any policies they do not understand.

### *Legal References:*

Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)  
Minn. Stat. § 120B.018 (Definitions)  
Minn. Stat. § 120B.021 (Required Academic Standards)  
Minn. Stat. § 120B.023 (Benchmarks)  
Minn. Stat. § 120B.024 (Graduation Requirements; Course Credits)  
Minn. Stat. § 120B.07 (Early Graduation)  
Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)  
Minn. Stat. § 120B.125 (Planning for Students' Successful Transition to Postsecondary Education and Employment; Personal Learning Plans; Involuntary Career Tracking Prohibited)  
Minn. Stat. § 120B.30 (Statewide Testing and Reporting System)  
Minn. Rules Parts 3501.0640-3501.0655 (Academic Standards for Language Arts)  
Minn. Rules Parts 3501.0700-3501.0745 (Academic Standards for Mathematics)  
Minn. Rules Parts 3501.0820 00-3501.0815 (Academic Standards for the Arts)  
Minn. Rules Parts 3501.0900-3501.0955 (Academic Standards in Science)  
Minn. Rules Parts 3501.1000-3501.1190 (Graduation-Required Assessment for Diploma) (repealed Minn. L. 2013, Ch. 116, Art. 2, § 22)

Minn. Rules Parts 3501.1300-3501.1345 (Academic Standards for Social Studies)  
20 U.S.C. § 6301, et seq. (No Child Left Behind Act)

***Cross References:***

MSBA/MASA Model Policy 104 (School District Mission Statement)

MSBA/MASA Model Policy 601 (School District Curriculum and Instruction Goals)

MSBA/MASA Model Policy 614 (School District Testing Plan and Procedure)

MSBA/MASA Model Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs,  
Section 504 Plans, and LEP Students)

MSBA/MASA Model Policy 616 (School District System Accountability)



*Adopted:* August 27, 2018

*Revised:* 5/26/20; 6/14/21; 6/27/22

## **801.1 NAMING OF DISTRICT FACILITIES**

### **I. PURPOSE**

The purpose of this policy is to establish the authority for naming or renaming any building, property or portion of property owned by the South St. Paul Public Schools, Special School District 6.

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

The School District recognizes the importance and significance of naming school district facilities and educational programs. The District will follow policy procedures when reviewing and acting upon all nominations. Facilities are district-owned buildings and properties and include spaces within buildings as well as outdoor fields, streets and areas. Educational programs are district-approved learning opportunities that support a specific need or learning goal identified by the District.

It is the responsibility of the South St. Paul School Board to name or rename any facility owned by or educational program operated by the District.

### **III. PLANNING COMMITTEE**

- A. If it is determined that a building, site, athletic and/or activity facility should be named or renamed, the superintendent of schools will establish a committee consisting of the following: communications director, building principal or director, two members of the staff, and if applicable, students and members of the community.
- B. When naming buildings, sites, athletic and/or activity facilities, or educational programs, the committee shall represent the entire school district.
- C. The committee shall research all necessary historical and community based information, to include available public records and data, to consider when naming facilities.
- D. The committee may solicit suggestions from the staff and as appropriate, students and members of the community for naming or renaming of a building, site, athletic and/or activity facility.
- E. The committee shall make a recommendation to the superintendent of schools and include the following in their recommendation:

1. A summary of the research of historical and community based information
  2. A summary of the suggestions/comments received from staff and as appropriate, students and members of the community.
  3. Examples of the guiding principles for character, contributions, achievements, and/or employment status that the recommended name exemplifies.
- F. The Superintendent of Schools makes the final determination to bring forth the recommendation to the South St. Paul School Board.

#### **IV. GUIDING PRINCIPLES FOR NAMING SCHOOL BUILDINGS AND FACILITIES**

The following guiding principles will be applied when considering the naming of any school property after a person; the individual must embody one or more of the following categories:

- A. Good Character
1. Be a positive role model for students and staff
  2. Exhibit behavior worthy of student emulation and imitation
  3. Demonstrates character, which exemplifies and is consistent with the Mission of the District.
- B. Contribution
1. Have made significant contributions, above and beyond, which supports the education of students through the District's mission, and impacts numerous youth, the school district, the greater South St. Paul community, the state of Minnesota, and/or nation
- C. Achievements
1. Have made significant achievements, above and beyond, which support the education of students through the District's Mission, and impacts numerous youth, the school district, the greater South St. Paul community, the state of Minnesota, and/or nation

#### **VI. RENAMING AND REVOCATION OF SCHOOL FACILITIES**

- A. Renaming
1. The School Board reserves the right to rename any asset of the school facility. Renamings shall be consistent with the review, guiding principles, and approval of process for naming in accordance with this policy.
- B. Revocation
1. The School Board reserves the right to revoke a naming if for any reason it presents risk or harm to the reputation of the school district, or if the intent of a gift of terms of a sponsorship associated with the naming cannot be fulfilled.

## **VI. IMPLEMENTATION**

### **A. Legal Review**

1. The District's legal counsel must review all gift agreements or contracts involving a naming prior to school board approval.

### **B. Administration**

1. The superintendent shall establish and maintain administrative policies and procedures to implement this policy.

***Legal References:*** 20 U.S.C. §§ 4071-74 (Equal Access Act)  
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

***Cross References:*** MSBA/MASA Model Policy 902 (Use of School District Facilities and Equipment)  
District Policy 905 (Advertising)

---