

Education Committee - Regular School Board Meeting

Duluth Public Schools, ISD 709

Agenda

Tuesday, July 18, 2017

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

6:30 PM

1. Informational Items - These items are provided for informational purposes only and no action is required.

A. Informational Presentations

- 1) 2016-17 Annual Bullying Report and Training/Protocol Updates 3

Ron Lake, Climate Coordinator, presented a report on the number of online complaints of bullying and incidents documented as bullying in Infinite Campus. In addition, an update regarding 2017-18 training for all staff (3 year training cycle per law and policy) and the newly developed Bullying Protocol/Flowchart was shared.

Recommendation: It is recommended that the Duluth School Board receive this item as informational.

B. Grant Applications - NONE

C. Regulations - NONE

2. Action Items

A. Presentation Items Requiring Approval - NONE

B. Policies

- 1) 6300 - Wellness Policy - DELETION 5

In moving to the MSBA Model Policies, administration is recommending the deletion of Policy 6300, which will be replaced with MSBA Policy 533.

Recommendation: It is recommended that the Duluth School Board approve the deletion of Policy 6300 for the second reading.

- 2) NEW Policy 533 - Wellness 8

Attached is revised MSBA Policy 533 for the second reading. This policy would replace Policy 6300.

Recommendation: It is recommended that the Duluth School Board approve Policy 533 for the second reading.

- 3) 5084 - Bullying Prohibition Policy - DELETION 16

In moving to the MSBA Model Policies, administration is recommending the deletion of Policy 5084, which will be replaced with MSBA Policy 514.

Recommendation: It is recommended that the Duluth School Board approve the deletion of Policy 5084 for the first reading.

4) NEW Policy 514 - Bullying Prohibition Policy 23

Attached is revised MSBA Policy 514 for the first reading. This policy would replace Policy 5084.

Recommendation: It is recommended that the Duluth School Board approve Policy 514 for the first reading.

C. 2017 Graduates 32

It is recommended by administration that the official minutes include a certified list of June 2017 graduates as submitted by the respective high schools.

Recommendation: It is recommended that the Duluth School Board accept and approve the above item.

D. Data Sharing Agreements 41

It is requested that the following organizations be granted access to the Student Information System to support District functions from July 1, 2017 to June 30, 2018:

The Regents of the University of Minnesota through its Duluth Campus Upward Bound

Recommendation: It is recommended that the Duluth School Board accept and approve the above item.

E. Resolutions - NONE

F. Diploma Requests - NONE

3. Future Items

Policy Updates

**Education Committee Report on Referrals for Bullying:
2016-17 School Year**

96 Documented Referrals in Infinite Campus (Bullying)

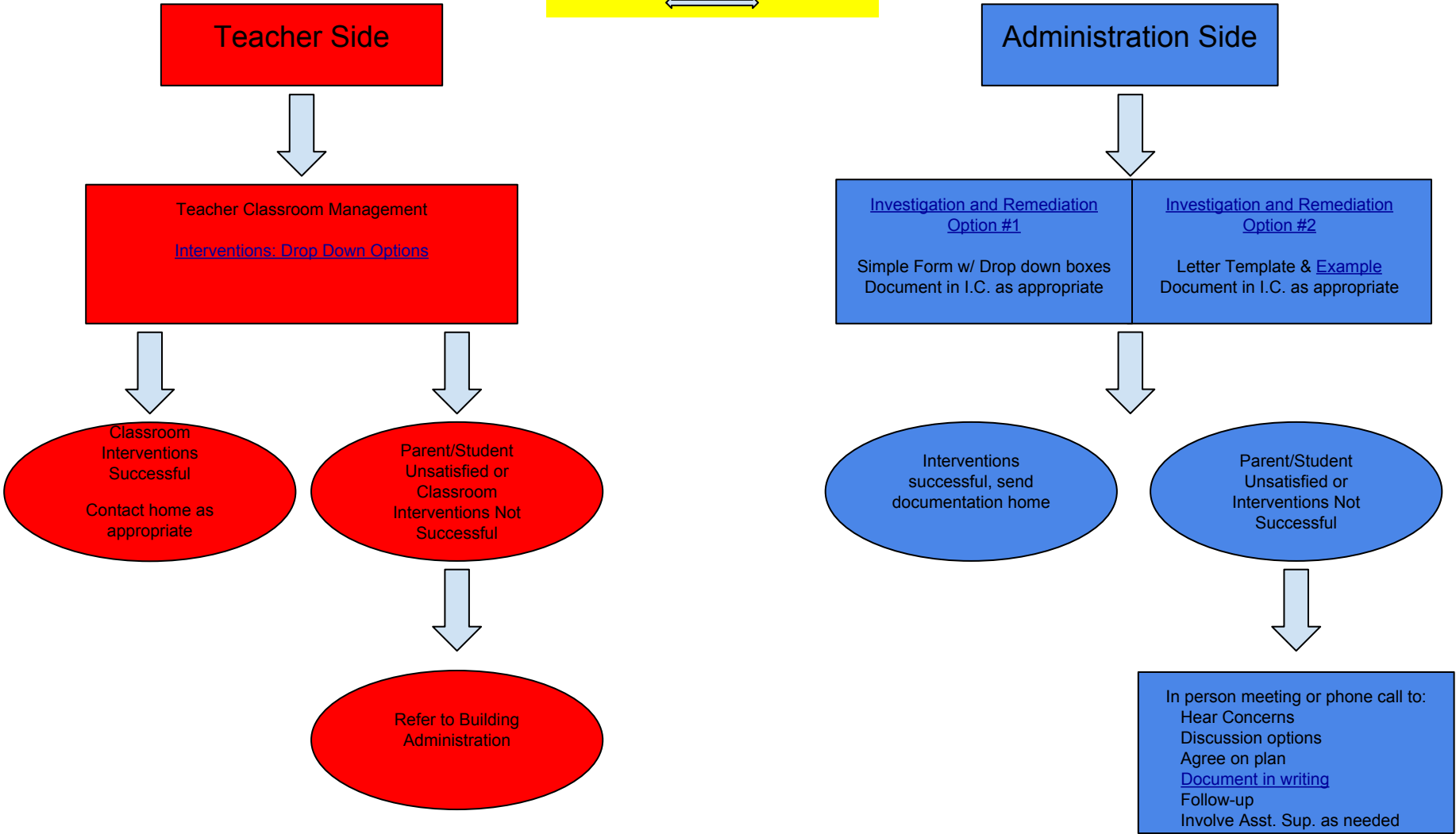
Elementary Schools	26
Middle Schools	51
High Schools	19

Resolutions Documented in Infinite Campus (Bullying)

Conference	16
Detention	12
Disable Acct	0
ISS	28
OSS	10
Parent Notified	23
Warning	0
Not documented	7

Bullying Protocol / Flow Chart

Decide: Classroom or Office Managed
Elementary / Secondary



6300 — WELLNESS POLICY**I. — Purpose**

~~Per the District's Resolution of Purpose, this policy assures a school environment that promotes and protects students' health, well-being, and ability to learn by supporting healthy eating and physical activity.~~

II. — General Statement of Policy

- ~~A. — The School District recognizes that parents and guardians have a primary and fundamental role in promoting and protecting their children's health and well-being.~~
- ~~B. — The School District recognizes the importance of making a commitment to motivating students, parents, staff, administrators, and communities to take action in making healthy choices. Evidence strongly suggests that collaborative efforts among family, schools, and community are the most effective approach for the promotion of good health.~~
- ~~C. — The School District leadership makes a significant difference in the success of nutrition and healthy eating efforts. Results can be compromised if not supported by the entire school environment that includes both inside and outside the cafeteria.~~
- ~~D. — The School Board recognizes that nutrition education and physical education are essential components of the educational process and that good health fosters student attendance and education.~~
- ~~E. — The school environment should promote and protect students' health, well being, and ability to learn by encouraging healthy eating and physical activity.~~
- ~~F. — The School District encourages the involvement of students, parents, teachers, food service staff, and other interested persons in implementing, monitoring, and reviewing School District nutrition and physical activity policies.~~
- ~~G. — Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive.~~
- ~~H. — All students in grades K-12 will have opportunities, support, and an environment that encourages physical activity on a regular basis.~~
- ~~I. — Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of a culturally diverse student body. The District will provide clean, safe, and pleasant facilities and adequate time for students to eat.~~

III. — Guidelines

- ~~A. — Physical Education and Physical Activity:

 - ~~— Physical education is the time during the day when physical education curriculum is delivered by a certified physical education teacher.~~
 - ~~— Physical activity is movement with students supported by anyone other than a certified physical education teacher.~~~~
 - ~~1. — Opportunities During the School Day

 - ~~a. — Continue to work toward providing all students in grades K-12, including students with disabilities, special health care needs, and students within alternative educational settings, to receive physical education.~~
 - ~~b. — Continue to work toward meeting the Physical Education requirements of the CDC, MDE, NASPE recommendations of 150 minutes/week for elementary students and 225 minutes/week for secondary students for the entire school year.*~~
 - ~~c. — Expand lifetime activities offered in secondary Physical Education curriculum.~~
 - ~~d. — All Physical Education will be taught by a certified Physical Education teacher.~~
 - ~~e. — Strive toward daily recess prior to lunch.~~
 - ~~f. — Strive toward all elementary students having at least 20 minutes a day of supervised recess, preferably outdoors, during which schools and playground monitors encourage moderate to vigorous physical activity.~~~~

2.—Opportunities in the Learning Environment

- a.—Extended periods (i.e., periods of two or more hours) of inactivity are discouraged. When activities, such as mandatory school wide testing, make it necessary for students to remain indoors for long periods of time, students will be given periodic breaks during which they are encouraged to stand and be moderately active.
- b.—Encourage and train classroom teachers to implement current strategies that link physical activity with learning.

3.—Opportunities Outside the School Day

- a.—The school is encouraged to offer a variety of physical activities including extracurricular and intramural. Possible resources may include outside agencies and community education.
- b.—To promote safe routes to school, the School District will assess its own facilities and, if necessary and to the extent possible, make needed improvements to make it safer and easier for students to walk and bike to school.
- c.—Expand and utilize the use of fitness centers and other existing facilities before and after school for all ISD 709 staff and students to promote healthy lifestyles.
- d.—Encourage fundraising activities that promote physical activity such as jump-a-thons, rake-a-thons, etc.

B.—Nutrition:

1.—Food and Beverages

- a.—Work toward providing all students with at least 20 minutes per day to eat lunch.
- b.—Offer a variety of healthy choices in school breakfast and lunch that are tasty, attractive, and of excellent quality that meet or exceed the nutrition standards established by USDA.**.
- c.—Ensure the availability of healthy, appealing, and affordable food options whenever food is served outside of the school breakfast and lunch program.
- d.—Offer healthy food and beverage options in vending machines, school stores, concession stands, staff areas, and ala-carte lines.***
- e.—Fundraising efforts must be supportive of healthy eating, by selling non-food items or healthy food items like fruits, veggies, and whole grain breads.***
- f.—Rewards programs must utilize healthy choices (food and non-food).***
- g.—School regularly promotes healthy food options for students (pricing, marketing, posting nutrition information, taste testing, etc.)

2.—Nutrition Education

- a.—Encourage district staff and school volunteers to model healthy nutritional choices.
- b.—Provide nutrition education in health classroom curriculum.
- c.—Teachers are encouraged to integrate nutrition education into core curriculum areas such as math, science, social studies, and language arts as applicable.

3.—Community Communication and Education

- a.—Provide staff, parents, and community with education on physical activities in school newsletters and district website.
- b.—Encourage district staff, students, and families (newsletters etc) to make healthy food choices at home, when eating away from home, and when sending food and beverages to school.
- c.—To promote Safe Routes to School, the School District will work proactively with

the city, county, and other community groups to remove any barriers to make it safer and easier for students to walk and bike to school.

IV. ~~Implementation, Monitoring, and Review~~

- A. ~~After approval by the School Board, the wellness policy will be implemented throughout the School District.~~
- B. ~~The school food service staff will ensure compliance within the school's food service area and will report to the superintendent or designee, as appropriate.~~
- C. ~~The superintendent or designee will ensure compliance and effectiveness of the wellness policy and will provide an annual report of the School District's compliance with the policy to the School Board.~~
- D. ~~An assessment of the school's existing nutrition and physical activity environment and policy will be completed annually to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the School District will review nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The school will, as necessary, review the wellness policies and develop work plans to facilitate their implementation.~~

~~* References: (CDC) Centers for Disease Control, (MDE) Minnesota Department of Education and (NASPE) National Association of Sport and Physical Education~~

~~** School guidelines will follow the Healthy Hunger free Kids Act as revised, or when implemented, or as directed by the Minnesota Department of Education.~~

~~References: Minnesota Department of Education Food and Nutrition Services Mde.fns@state.mn.us, United States Department of Agriculture (USDA)~~

~~Adopted: 06-20-2006 ISD 709~~

~~Revised: 01-17-2012~~

~~02-25-2014 ISD 709~~

**Deletion: Second Reading 7/18/2017
Replaced by MSBA Policy 533**

Adopted: _____

MSBA/MASA Model Policy 533

Orig. 2005

Revised: _____

Rev. 2016

533 WELLNESS

I. PURPOSE

~~The purpose of this policy is to set forth methods that promote student wellness, prevent and reduce childhood obesity, and assure that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum local, state, and federal standards.~~

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

II. GENERAL STATEMENT OF POLICY

- A. The school board recognizes that nutrition promotion and education, 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 learning.
- B. The school environment should promote **all** students' health, well-being, and ability to learn by encouraging healthy eating and physical activity.
- C. The school district encourages the involvement of parents, students, representatives of the school food authority, teachers, school health professionals, the school board, school administrators, and the general public in the development, implementation, and periodic review and update of the school district's wellness policy.
- D. **Because all** children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive, **the school district will provide an optimal learning environment whereby:**
 - All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
 - Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; try to accommodate the ~~religious, ethnic, and cultural diversity~~ cultural and diverse needs of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.

III. WELLNESS GOALS

A. Nutrition Promotion and Education

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;
 - b. part of health education classes, as well as classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects, where appropriate; and
 - c. enjoyable, developmentally appropriate, culturally relevant **educational experiences**, ~~and includes participatory activities, such as contests, promotions, taste testing, 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, vending machines, fundraising events, concession stands, and student stores.

3. **Farm to School Program**

1. Farm to School programs enhance the nutritional and educational experience of school children by providing:

a. Nutritious, locally grown food as a part of the school food program; and

b. Opportunities for educational experiences in school gardens and/or at community gardens and local farms to learn about the origins of their food and how their food is grown. These experiences serve as an interdisciplinary teaching tool to influence student food choices and lifelong healthy eating habits.

2. Farm to School programs provide students with the opportunity to eat healthy, locally grown foods and be exposed to a variety of fresh produce that reflects the ethnic and cultural diversity of the student population. The school district will support the development of Farm to School programs to help students eat more nutritious foods and promote healthier lifelong eating patterns; support the local economy and local farmers; and teach students about the origins of their foods and how their food is grown.

3. Farm to School Programs will adhere to the recommended USDA Sanitation and Safety guidelines of Traceability of Fresh Produce from local farmers and school gardens. This process includes but is not limited to a review of Good Agricultural Practices (GAPs) and Good Handling Practices (GHPs). Farm to School items served in the Cafeteria, the Child Nutrition Department will maintain traceability records from the source

of the product through the serving of the product. This documentation will include information on suppliers including local farms, purchasing records, and the specific source of the product.

B. Physical Activity

1. Students need opportunities for physical activity and to fully embrace regular physical activity as a personal behavior. Toward that end, health and physical 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 will provide short physical activity breaks between lessons or classes, as appropriate.
- 4. Schools will limit withholding physical activity and recess as a behavioral consequence.**
- 5. Schools will proactively teach and encourage positive recess behavior and indoor active recess throughout the school year.**
- 6. Extended periods (i.e., periods of two or more hours of inactivity) are discouraged. When activities, such as school-wide testing, making necessary for students to remain indoors for long periods of time, students will be given periodic breaks (before, during, and after) during which they are encouraged to stand and be moderately active.**
- 7. The school district will encourage walking and biking to and from school based on age appropriate standards for students living with certain distances of the school.**

C. Communications with Parents

1. The school district recognizes that parents and guardians have a primary role in promoting their children's health and well-being.
2. The school district will support parents' efforts to provide a healthy diet and daily physical activity for their children.
- ~~3. The school district encourages parents to pack healthy lunches and snacks and refrain from including beverages and foods without nutritional value.~~
4. The school district will provide information about physical education and other school-based physical activity opportunities and will support parents' efforts to provide their children with opportunities to be physically active outside of school.

IV. STANDARDS AND NUTRITION GUIDELINES

A. School Meals

1. The school district will provide healthy and safe school meal programs that comply with all applicable federal, state, and local laws, rules, and regulations.
2. Food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students.
3. Food service personnel will try to accommodate the cultural and diverse needs of the student body in meal planning.
4. Food service personnel will provide clean, safe, and pleasant settings and adequate time for students to eat.
5. Food service personnel will take every measure to ensure that student access to foods and beverages meets or exceeds all applicable federal, state, and local laws, rules, and regulations and that reimbursable school meals meet USDA nutrition standards.
6. Food service personnel shall adhere to all applicable federal, state, and local food safety and security guidelines.
7. The school district will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.
8. The school district will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
9. The school district will make every effort to provide students with sufficient time to eat after sitting down for school meals and will schedule meal periods at appropriate times during the school day.
10. The school district will discourage tutoring, club, or organizational meetings or activities during mealtimes unless students may eat during such activities.

B. School Food Service Program/Personnel

1. The school district shall designate an appropriate person to be responsible for the school district's food service program, whose duties shall include the creation of nutrition guidelines and procedures for the selection of foods and beverages made available on campus to ensure food and beverage choices are consistent with current USDA guidelines.
2. As part of the school district's responsibility to operate a food service program, the school district will provide continuing professional development for all food service personnel in schools.

C. Competitive Foods and Beverages

1. All foods and beverages sold on school grounds to students, outside of reimbursable meals, are considered "competitive foods." Competitive foods include items sold a la carte in the cafeteria, from vending machines, school stores, and for in-school fundraisers.
2. All competitive foods will meet the USDA Smart Snacks in School (Smart Snacks) nutrition standards and any applicable state nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits.
3. Before and Aftercare (child care) programs must also comply with the school 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 Foods and Beverages Made Available to Students

1. Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus. **Caution will be exercised when offering foods that may cause allergic reactions or adversely impact students with health conditions**, including those foods provided through:
 - a. Celebrations and parties. **A celebration or party is a special and enjoyable occasion (birthdays, holidays, etc.).** The school district will provide a list of healthy party ideas to parents **families** and teachers **staff**, including non-food celebration ideas.
 - b. Classroom snacks **to be distributed to the class** brought by parents. **A snack is food eaten between usual meals to supplement the nutritional needs of student intended to make a positive contribution to the child's health and diet.** The school district will provide to parents **families and staff** a list of suggested foods and beverages that meet Smart Snacks nutrition standards.
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 school district will make available to parents **families** and teachers **staff** a list of suggested healthy fundraising ideas. **Foods and beverages sold as fundraisers during the school day must comply with standards listed in C1 and C2. No**

restrictions are placed on the sale of food/beverage items sold outside of the school day.

- 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 Smart Snacks nutrition standards.

V. WELLNESS LEADERSHIP AND COMMUNITY INVOLVEMENT

A. Wellness Coordinator

1. The superintendent will designate a school district official to oversee the school district's wellness-related activities (Wellness Coordinator). The Wellness Coordinator will ensure that each school implements the policy.
2. The principal of each school, or a designated school official, will ensure compliance within the school and will report to the Wellness Coordinator regarding compliance matters upon request.

B. Public Involvement

1. The Wellness Coordinator will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the wellness policy.
2. The Wellness Coordinator will hold meetings, from time to time, for the purpose of discussing the development, implementation, and periodic review and update of the wellness policy. All meeting dates and times will be posted on the school district's website and will be open to the public.

VI. POLICY IMPLEMENTATION AND MONITORING

A. Implementation and Publication

1. After approval by the school board, the wellness policy will be implemented throughout the school district.
2. The school district will post its wellness policy on its website, to the extent it maintains a website.

B. Annual Reporting

The Wellness Coordinator will annually inform the public about the content and implementation of the wellness policy and make the policy and any updates to the policy available to the public.

C. Triennial Assessment

1. At least once every three years, the school district will evaluate compliance with the wellness policy to assess the implementation of the policy and create a report that includes the following information:
 - a. the extent to which schools under the jurisdiction of the school district are in compliance with the wellness policy;
 - b. the extent to which the school district's wellness policy compares to model local wellness policies; and
 - c. a description of the progress made in attaining the goals of the school district's wellness policy.
2. The Wellness Coordinator will be responsible for conducting the triennial assessment.
3. The triennial assessment report shall be posted on the school district's website or otherwise made available to the public.

D. Recordkeeping

The school district will retain records to document compliance with the requirements of the wellness policy. The records to be retained include, but are not limited to:

1. The school district's written wellness policy.
2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public.
3. Documentation of the triennial assessment of the local school wellness policy for each school under the school district's jurisdiction efforts to review and update the wellness policy (including an indication of who is involved in the update and methods the school district uses to make stakeholders aware of their ability to participate on the Wellness Committee).

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
Minnesota Department of Health, www.health.state.mn.us
St. Louis County Public Health
Action for Healthy Kids Minnesota, www.actionforhealthykids.org
United States Department of Agriculture, www.fns.usda.gov

Second Reading: 7/18/17
Replacing Policy 6300

5084 BULLYING PROHIBITION POLICY

I. PURPOSE

The purpose of this policy is to prohibit bullying behavior and assist the Duluth School District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

The Duluth School District strives to provide safe, secure and respectful learning environments for all students in school buildings, on school grounds, school buses and at school sponsored activities. A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships.

This policy protects all students against bullying behavior including bullying behavior on the basis of actual or perceived race, ethnicity, color, creed, 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, status with regard to public assistance, age, military status, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Minnesota Human Rights Act (Chapter 363A).

II. DEFINITIONS

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

- A. there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and
- B. the conduct is repeated or forms a pattern; or
- C. materially and substantially:
 1. 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.
 2. Places the student in reasonable fear of harm to the student's person or property.
 3. Causes a substantially detrimental effect on the student's physical or mental health.

"Cyber bullying" 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.

"Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing

~~information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.~~

~~“Immediately” means as soon as possible but in no event longer than 24 hours.~~

~~“District employee” includes school board members, administrators, educators, aides, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district and its students.~~

~~“On Duluth School District property or at school related functions” means all Duluth 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 Duluth 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. Duluth 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 Duluth School District does not represent that it will provide supervision or assume liability at these locations and events.~~

~~III. STATEMENT OF PROHIBITION~~

~~An act of bullying, by either an individual student or a group of students, is expressly prohibited on Duluth School District property or at school related functions. 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.~~

~~Bullying of a student or group of students is prohibited:~~

- ~~A. During any school sponsored or school sanctioned programs, activities, events or trips.~~
- ~~B. In school buildings, school property, on school buses or other school district provided transportation, and at designated locations for students to wait for buses and other school district provided transportation.~~
- ~~C. Through the transmission of information from a school district computer or computer network, or other electronic school equipment.~~
- ~~D. When communicated through any electronic technology or personal electronic device while on school property, on school buses or other school provided transportation, at bus stops, and at school sponsored or school sanctioned events or activities.~~
- ~~E. When using Off campus communication and use of electronic technology which seriously disrupts any student’s education.~~

~~Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.~~

~~Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.~~

~~False accusations or reports of bullying against another student are also prohibited.~~

~~No teacher, administrator, volunteer, contractor, or other employee of the Duluth School District shall permit, condone, or tolerate bullying.~~

~~IV. REPORTING PROCEDURE~~

~~It is everyone's responsibility to report bullying behavior, not just the person targeted. Any student who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to the Building Principal or designee, either verbally or in writing.~~

~~A person may make an initial report to any Duluth School District Employee and may report bullying anonymously. However, the Duluth School District's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.~~

~~The Duluth School District has made available to the reporting party or complainant the use of a report form. See the Parent & Student Handbook, contact the Principal, District Climate Coordinator, or visit www.isd709.org to access a "Bullying Report Form".~~

~~The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving reports of bullying at the building level. If the complaint involves the building report taker, the complaint shall be made directly with the Assistant Superintendent or Superintendent of the Duluth School District. Please see our Parent & Student Handbook or Duluth School District Website at www.isd709.org for Principal and Duluth School District contact information.~~

~~A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building report taker immediately. Duluth School District personnel who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.~~

~~Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.~~

~~The Duluth 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 Duluth School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.~~

~~Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.~~

~~V. PREVENTION, INVESTIGATION, AND RESPONSE~~

~~Many student conflicts can be resolved immediately and do not require reporting or creation of an incident report or office discipline referral. Schools must respond to bullying in a manner tailored to the individual incident, considering the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance.~~

~~It is the Duluth School District's responsibility to prevent bullying and to take action to investigate, respond, remediate, and discipline those involved in acts of bullying which have not been successfully prevented—to the extent possible given that such conduct affects the educational environment of Duluth Schools and the rights and welfare of its students, and is within the control of Duluth School District in its normal operations.~~

~~Prevention—Each school will utilize research-based developmentally appropriate best practice prevention strategies. These prevention strategies may include but are not limited to: teaching respect and acceptance of difference between people, positive behavior interventions and supports, social emotional learning, intentionally creating positive student and staff relationships, and preparing students for when bullying behavior does occur.~~

~~Investigation—Investigation of a bullying incident shall be initiated within 24 hours of receipt of a report and be completed within 10 school days, unless the principal/designee grants in writing an additional five-day extension due to extenuating circumstances. The Duluth School District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law. When investigating a complaint, the principal/designee may take into account following factors:~~

- ~~● The developmental ages and maturity levels of the parties involved.~~
- ~~● The potential for culturally misinterpreting behavior.~~
- ~~● The levels of harm, surrounding circumstances, and nature of the behavior.~~
- ~~● Past incidences or past or continuing patterns of behavior.~~
- ~~● The relationship between the parties involved.~~
- ~~● The context in which the alleged incidents occurred.~~

~~Remedial Response—Upon completion of the investigation, the Duluth School District will take appropriate action with the student harmed and with the student who violated the prohibited conduct policy.~~

- ~~● For the student harmed: Protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Support may include: safety planning, student conference(s), referral to student support staff for one-to-one support or social skills training; check in and/or check out with a trusted adult in the school; and choice to participate in a restorative process—facilitated by a trained~~

- facilitator. When an incident includes documentation through an office discipline referral, information regarding the student harmed will be included on the referral.
- For the student who violated the prohibited conduct policy: Schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, and age appropriate and should match the severity of the student's behavior and their developmental age. The response must be a natural and logical match to the prohibited behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes. Responses may include but are not limited to:
 - Safety planning
 - Student conference(s)
 - Working with parents of involved students
 - Teaching/reteaching of desired skills or behavior
 - Reinforcing desired skills or behaviors
 - School disciplinary action (detention, suspension, etc.)
 - Connecting students/families to school, district, community resources
 - Consideration of a restorative process if all parties are prepared and willing

Duluth 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; Duluth School District policies; and regulations.

School officials will notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report. The Duluth 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 Duluth School District.

Appeal—Any party who is not satisfied with the outcome of the investigation may appeal to the district's Office of the Assistant Superintendent within 10 school days of notification of the principal/designee's decision. The Assistant Superintendent or designee will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The Assistant Superintendent or designee shall notify the party requesting the appeal and the principal that its decision is final and shall document that notification with the appeal.

District Employees—When it is determined that a district employee was aware prohibited conduct was taking place but failed to report it, the employee will be considered to have violated this policy. The employee's supervisor shall consider employee discipline for such violations, making reference to any applicable collective bargaining agreement. Remedies for offending contractors should be imposed according to their Duluth School District contracts.

VI. REPRISAL

The Duluth School District will take appropriate action against any student or District employee who retaliates against any person who testifies or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

~~VII. RECORDS~~

~~Information gained when investigating and remediating reports of bullying will be recorded and kept by the Building Principal or designee. Information regarding the number of reports of bullying and the action taken to resolve the reports will be provided to Duluth School District Climate Coordinator by the Building Principal or designee annually.~~

~~VIII. PROFESSIONAL DEVELOPMENT AND EDUCATION~~

~~Staff Professional development will:~~

- ~~A. Be required on a three year cycle for all school personnel to prevent, identify, and respond to bullying behavior.~~
- ~~B. Be offered annually to build the skills of all district employees to implement this policy. The content of such professional development shall include, but not be limited to:

 - ~~1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.~~
 - ~~2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.~~
 - ~~3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk and any specific interventions that may be particularly effective for addressing bullying behavior related to bias.~~
 - ~~4. Recognizing, responding to and reporting bullying.~~
 - ~~5. Information about the incidence and nature of cyber bullying.~~
 - ~~6. Information about Internet safety issues as they relate to cyber bullying.~~
 - ~~7. Student staff relationships and initial responses to students making a report.~~
 - ~~8. A review of the district's reporting requirements related to bullying and cyber bullying.~~~~

~~Student Education—Each school shall incorporate into the school curriculum developmentally appropriate programmatic instruction to help students identify, prevent and reduce bullying and create a safe learning environment.~~

~~The Duluth School District will work with the Minnesota Department of Education Technical Assistance Center and provide resources for instruction and topics including but not limited to: evidence based social emotional learning to prevent and reduce discrimination and other improper conduct to engage all students in creating a safe and supportive school environment.~~

~~IX. NOTICE~~

~~The Duluth School District will give annual notice of this policy to students, parents or guardians, and staff through the following practices:~~

- ~~A. The Duluth School District will give annual notice of this policy to students, parents or guardians, and staff through the following practices:~~

- ~~B. A script, orally or in writing, using age appropriate language, will be shared with all students during the fall of each school year.~~
- ~~C. This policy shall fully appear in the Parent/Student Handbook with notice of the policy in the Employee Handbook.~~
- ~~D. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.~~
- ~~E. Information regarding this policy will be included in information communicated to volunteers at time of entering into volunteer agreement.~~
- ~~F. A report will be provided annually to the School Board at the July Education Committee Meeting, including a summary of the number of bullying reports submitted and the action taken to resolve reports. This will be done without releasing any case specific information or personnel data.~~

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

~~**Cross References:** MDE Model Policy, November 2014 (Model Student Bullying Prohibition Policy)
 MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)~~

~~Adopted: 08-19-2014 ISD-709~~

~~Revised: 06-16-2015 ISD-709~~

Deletion: First Reading 7/18/2017
Replaced by MSBA Policy 514

~~5084~~ 514 BULLYING PROHIBITION POLICY

I. PURPOSE

The purpose of this policy is to prohibit bullying behavior and assist the Duluth School District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

The Duluth School District strives to provide safe, secure and respectful learning environments for all students in school buildings, on school grounds, school buses and at school-sponsored activities. A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships.

This policy protects all students against bullying behavior including bullying behavior on the basis of actual or perceived race, ethnicity, color, creed, 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, status with regard to public assistance, age, military status, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Minnesota Human Rights Act (Chapter 363A).

II. DEFINITIONS

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

- A. there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior **conduct and the conduct is repeated or forms a pattern; or**
- B. ~~the conduct is repeated or forms a pattern; or~~
- C. 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.**
 - ~~1. 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.~~
 - ~~2. Places the student in reasonable fear of harm to the student's person or property.~~
 - ~~3. Causes a substantially detrimental effect on the student's physical or mental health.~~

"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.

Intimidating, threatening, abusive, or harming conduct” means; but is not limited to, conduct that does the following:

- A. 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;***
- B. 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***
- C. 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 as defined in the MHRA. However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.***

"Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.

“Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

"Immediately" means as soon as possible but in no event longer than ~~24 hours~~ ***one school day.***

"District employee" includes school board members, administrators, educators, aides, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, paraprofessionals, school employees, agents, ~~volunteers, contractors,~~ or persons subject to the supervision and control of the district and its students.

"On Duluth School District property or at school-related functions" means all Duluth 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 Duluth 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. Duluth 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 Duluth School District does not

represent that it will provide supervision or assume liability at these locations and events.

III. STATEMENT OF PROHIBITION

An act of bullying, by either an individual student or a group of students, is expressly prohibited on Duluth School District property or at school-related functions. ***This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.***

~~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.~~

~~Bullying of a student or group of students is prohibited:~~

- ~~A. During any school sponsored or school sanctioned programs, activities, events or trips.~~
- ~~B. In school buildings, school property, on school buses or other school district provided transportation, and at designated locations for students to wait for buses and other school district provided transportation.~~
- ~~C. Through the transmission of information from a school district computer or computer network, or other electronic school equipment.~~
- ~~D. When communicated through any electronic technology or personal electronic device while on school property, on school buses or other school provided transportation, at bus stops, and at school sponsored or school sanctioned events or activities.~~
- ~~E. When using Off campus communication and use of electronic technology which seriously disrupts any student's education.~~

~~Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.~~

~~Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.~~

~~False accusations or reports of bullying against another student are also prohibited.~~

~~No teacher, administrator, volunteer, contractor, or other employee of the Duluth School District ***District employee, volunteer, or contractor*** shall permit, condone, or tolerate bullying.~~

IV. REPORTING PROCEDURE

It is everyone's responsibility to report bullying behavior, not just the person targeted. Any student who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying ***or prohibited conduct***

shall report the alleged acts immediately to the Building Principal or designee, either verbally or in writing.

A person may make an initial report to any ~~Duluth School~~ District Employee and may report bullying anonymously. However, the Duluth School District's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.

The Duluth School District has made available to the reporting party or complainant the use of a report form. See the Parent & Student Handbook, contact the Principal, District Climate Coordinator, or visit www.isd709.org to access a "Bullying Report Form".

The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving reports of bullying at the building level. If the complaint involves the building report taker, the complaint shall be made directly with the Assistant Superintendent or Superintendent of the Duluth School District. Please see our Parent & Student Handbook or Duluth School District Website at www.isd709.org for Principal and Duluth School District contact information.

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.

A teacher, ~~school administrator, volunteer, contractor, or other school~~ **District** employee, **volunteer, or contractor** shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall **make reasonable efforts to address and resolve the prohibited conduct and** inform the building report taker immediately. ~~Duluth School District personnel~~ **District employees** who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.

Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

The Duluth 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 Duluth School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.

V. PREVENTION, INVESTIGATION, AND RESPONSE

Many student conflicts can be resolved immediately and do not require reporting or creation of an incident report or office discipline referral. Schools must respond to bullying in a manner tailored to the individual incident, considering the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance.

It is the Duluth School District's responsibility to prevent bullying and to take action to investigate, respond, remediate, and discipline those involved in acts of bullying which have not been successfully prevented - to the extent possible given that such conduct affects the educational environment of Duluth Schools and the rights and welfare of its students, and is within the control of Duluth School District in its normal operations.

Prevention - Each school will utilize research-based developmentally appropriate best practice prevention strategies. These prevention strategies may include but are not limited to: teaching respect and acceptance of difference between people, positive behavior interventions and supports, social emotional learning, intentionally creating positive student and staff relationships, and preparing students for when bullying behavior does occur.

Investigation - Investigation of a bullying incident shall be initiated **as soon as possible but no later than three school days** ~~within 24 hours~~ of receipt of a report and be completed ~~within 10 school days, unless the principal/designee grants in writing an additional five-day extension due to extenuating circumstances.~~ The Duluth School District may take immediate steps, at its discretion, to protect the **target or victim of bullying or other prohibited conduct, the** complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law. When investigating a complaint, the ~~principal/designee~~ **building report taker** may take into account following factors:

- The developmental ages and maturity levels of the parties involved.
- The potential for culturally misinterpreting behavior.
- The levels of harm, surrounding circumstances, and nature of the behavior.
- Past incidences or past or continuing patterns of behavior.
- The relationship between the parties involved.
- The context in which the alleged incidents occurred.

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.

Remedial Response - Upon completion of the investigation, the Duluth School District will take appropriate action with the student harmed and with the student who violated the prohibited conduct policy.

- For the student harmed: Protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Support may include: safety planning, student conference(s), referral to student support staff for one-to-one support or social skills training; check-in and/or check-out with a trusted adult in the school; and choice to participate in a restorative process - facilitated by a trained

- facilitator. When an incident includes documentation through an office discipline referral, information regarding the student harmed will be included on the referral.
- For the student who violated the prohibited conduct policy: Schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, and age-appropriate and should match the severity of the student's behavior and their developmental age. The response must be a natural and logical match to the prohibited behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes. Responses may include but are not limited to:
 - Safety planning
 - Student conference(s)
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 - Teaching/reteaching of desired skills or behavior
 - Reinforcing desired skills or behaviors
 - School disciplinary action (detention, suspension, etc.)
 - Connecting students/families to school, district, community resources
 - Consideration of a restorative process if all parties are prepared and willing

Duluth 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; Duluth School District policies; and regulations.

School officials will notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report. The Duluth 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 Duluth School District.

In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the 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.

Appeal - Any party who is not satisfied with the outcome of the investigation may appeal to the district's Office of the Assistant Superintendent within 10 school days of notification of the ***building report taker's*** ~~principal/designee's~~ decision. The Assistant Superintendent or designee will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The Assistant Superintendent or designee shall notify the party requesting the appeal and the principal that its decision is final and shall document that notification with the appeal.

District Employees - When it is determined that a district employee was aware prohibited conduct was taking place but failed to report it, the employee will be considered to have violated this policy. The employee's supervisor shall consider employee discipline for such violations, making reference to any applicable collective bargaining agreement. Remedies for offending contractors should be imposed according to their Duluth School District contracts.

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The Duluth School District will take appropriate action against any student or District employee who retaliates against any person who testifies or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

VII. RECORDS

Information gained when investigating and remediating reports of bullying will be recorded and kept by the Building Principal or designee. Information regarding the number of reports of bullying and the action taken to resolve the reports will be provided to Duluth School District Climate Coordinator by the Building Principal or designee annually.

Affected students and their parents may have rights under state and federal data practices laws to obtain access to data related to an incident and to contest the accuracy or completeness of the data.

VIII. PROFESSIONAL DEVELOPMENT AND EDUCATION

The District shall discuss this Policy with District employees, volunteers, and contractors, and provide appropriate training and professional development to district employees regarding this Policy.

Staff - Professional development will:

- A. Be required on a three year cycle for all school personnel to prevent, identify, and respond to bullying behavior. ***Newly employed district employees must receive the training within the first year of their employment with the district or school. A district or school administrator may accelerate the training cycle or provide additional training based on particular needs or circumstances.***
- B. ~~Be offered annually to build the skills of all district employees to implement this policy.~~ ***Require ongoing professional development, consistent with Minnesota Statutes 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.*** The content of such professional development shall include, but not be limited to:
 1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.
 2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.
 3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk and any specific interventions that may be particularly effective for addressing bullying behavior

related to bias.

4. Recognizing, responding to and reporting bullying.
5. Information about the incidence and nature of cyber bullying.
6. Information about Internet safety issues as they relate to cyber bullying.
7. Student staff relationships and initial responses to students making a report.
8. A review of the district's reporting requirements related to bullying and cyber bullying.

Student Education - Each school shall incorporate into the school curriculum developmentally appropriate programmatic instruction to help students identify, prevent and reduce bullying and create a safe learning environment.

The Duluth School District will work with the Minnesota Department of Education Technical Assistance Center and provide resources for instruction and topics including but not limited to: evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct to engage all students in creating a safe and supportive school environment.

IX. NOTICE

The Duluth School District will give annual notice of this policy to students, parents or guardians, and staff through the following practices:

- ~~A. The Duluth School District will give annual notice of this policy to students, parents or guardians, and staff through the following practices:~~
- ~~B.~~ **A.** A script, orally or in writing, using age appropriate language, will be shared with all students during the fall of each school year.
 - ~~C.~~ **B.** This policy shall fully appear in the Parent/Student Handbook with notice of the policy in the Employee Handbook.
 - ~~D.~~ **C.** This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.
 - ~~E.~~ **D.** Information regarding this policy will be included in information communicated to volunteers at time of entering into volunteer agreement.
 - ~~F.~~ **E.** A report will be provided annually to the School Board at the July Education Committee Meeting, including a summary of the number of bullying reports submitted and the action taken to resolve reports. This will be done without releasing any case specific information or personnel data.
 - ~~G.~~ **F. This policy must be available to all parents and other school community members in an electronic format in the languages appearing on the district or school Web site, consistent with the district policies and practices.**

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
 Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
 Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and

Bullying)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
 Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 121A.031 (Student Bullying Policy)

Cross References: MDE Model Policy, November 2014 (Model Student Bullying Prohibition Policy)
 MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

Adopted: 08-19-2014 ISD 709
Revised: 06-16-2015 ISD 709

First Reading: 7/18/17
Replacing Policy 5084

The Denfeld Staff congratulates the Class of 2017

"To accomplish great things, we must not only act, but also dream; not only plan, but also believe."

- Anatole France

HALLS OF DENFELD

Alma Mater

Oh we love the halls of Denfeld that surround us here today
And we will not forget tho' we be near or far away.

To the hallowed halls of Denfeld every voice will bid farewell
And shimmer off in twilight like the old tower bell.

One day a hush will fall, the footsteps of us all,
Will echo down the hall and disappear.

But as we sadly start, our journeys far apart,
A part of every heart will linger here.

In the sacred halls of Denfeld where we lived and learned to know
That thru the years we'll see you in the sweet after glow.

SCHOOL BOARD

Mr. David Kirby, *Chair*
Ms. Annie Harala
Mr. Art Johnston
Ms. Rosie Loeffler-Kemp
Ms. Alana Oswald
Ms. Nora Sanstad
Mr. Harry Welty

Benjamin Emmel
Student Representative

A Special thanks to MacKenzie Koerner and Maggie Fink for translating during this evening's ceremony.

On behalf of the Class of 2017, we would like to thank you for attending our Graduation Ceremony.
Please join us in the Commons after Graduation for hugs, pictures and memories to last a lifetime.

**Restrooms are located off the Commons Area by the Main Office
and on the first floor by the 6th Street entrance.**

COMMENCEMENT

Class of 2017



Denfeld Auditorium

Thursday, June 8, 2017
7:00 PM

PROGRAM

In order to preserve the dignity of this occasion, it is requested that no flash pictures be taken during the ceremony, and that applause and actions that distract from the ceremony be held until all students have received their diplomas.

- Prelude.....Michelle Gribbon
- Processional – “Pomp and Circumstance”Elgar
(Please remain seated during Processional and Recessional)
- Presenting of the ColorsTrevon Pille and Timothy Przybyl
National Anthem sung by Corey Reilly
(please stand)
- Welcome & Introduction of GuestsNicholas Anderson
- “Honor Song”Pipestone Singers
(please stand)
- Class of 2017 WelcomeAdair Ballavance
Senior Class Co-Advisor
- “Life Lemons.../Mean Lessons” Esther Carrillo
Class Speaker
- “Earth Song”Frank Tichell
Combined Choir, Paul Christenson, Director
- “Hunter Beat”Majestic Lasky
Class Speaker
- Presentation of Class & CommentsTonya M. Sconiers
Principal
- Acceptance of Class & CommentsWilliam Gronseth
Superintendent of Schools
- Awarding of DiplomasAnnie Harala, Art Johnston, David Kirby, Alanna Oswald and Nora Sandstad - School Board Members
Al Cheplenik, Carolyn Graves, Michele Helbacka, and Barb Wiklund - Retirees
James Erickson and Marcia Nelson - Assistant Principals
Ethan Fisher - Senior Class Co-Advisor
Diane Fitzgerald, Geri Saari and Jenny Wellnitz - Counselors
- ResponseEsther Carrillo, Cassandra Hallsten and Majestic Lasky
- “Halls of Denfeld”Traditional
Combined Choir, Paul Christenson, Director
(please stand)
- ChimesVincent Kolenda
- Recessional – “Triumphal March”Verdi
(Please remain seated until all graduates have recessed)

graduation:

Angie M. [Signature]
6/13/17

GRADUATES

- Leah Ach
- Sicilia Natalia Marie Amborn*
- Dylan Jon Anderson*
- Morgan R. Anderson
- Nicholas Alexander Anderson*#%
- Taylor Shae Anderson
- Courtney Lynn Andrick
- Dylan Daniel Archambault*
- Natchez T. Ballinger
- Tyrese Barnes
- Katelyn H. Beaudin*%
- Morgan Jade Bergman
- Tommie Bester
- Spencer James Bonneville
- Cody J. Brown
- London Elyse Brown
- Teddi Brown
- Cori Bently Burke
- Jamila Butler
- Courtney Ryanne Carlson#
- Esther M. Carrillo#
- Kayla A. Cerny#
- Tiffany Christensen
- Denise Citti* (foreign Exchange)
- Shamar R. Davis
- Veronica Ann Davis
- Alyssa Ann DeFoe
- Elizabeth Jean Easty
- Alexis C. Edwards
- Lily Mae Ek*
- Marcus D. Ekeberg
- Zachory E. Elston
- Braden Richard Emanuelson
- River A. Emison
- Benjamin Tyler Engels
- Tyler John Erickson
- Karley Lee Evanson
- Rylee M. Fall
- James David Faynik
- Sophie Elise Finch-Newkirk#%
- Tatianna M. Finstad*
- Sean M. Fitzsimmons
- Paul L. Foldesi*#%
- Shanita Foster
- Derek M. Frisby
- Devin Dayshawn Garner
- Amanda L. Gibson
- Bryan Caleb Gibson
- Aaron Edwin Goman
- Michael Aaron Grammer
- Keela Violet-meminguaa Griffith
- David A. Guite, II
- Jada Aphrodite Guthrie
- Brandon Hair
- Cassandra Lee Hallsten*
- Alexander Bruce Hanson
- Nicholas J. Hargraves
- Jonathan Lane Harstad*#%
- Kaitlyn Harstad
- Charles M. Haugen
- Megan Marie Hautajarvi#
- Jacob Norman Herold
- Garrett McKinley Higgins
- Kassandra Rae Hill#%
- Madison Michaela Himango
- Aldrik J. Hopkins
- Zeyu Hu
- Lauren Christine Huchel
- Deborah L. Hudson
- Tyson Patrick Hughes
- Zachary A. Hult
- Noah Gabriel Jackson*
- Alex James Jenko*#%
- Riley John Jenko*#%
- Bailey Mae Johnson*
- Courtney Elizabeth Johnson
- Jacob Johnson
- Maria Lynn Johnson
- Nicole Ann Johnson*
- Peter Johnson
- Thal Douglas Johnson
- Matthew A. Johnston
- Jaaren Jeffrey Jorgenson
- Daven L. Judson-Powe
- Matthew Jupp
- Daniel Jeremiah Jurek
- Erik Daniel Kangas
- Taylor Larayne Karjala#
- Dakota Ray Kaspari
- Tyler C. Kassler
- Madeline M. Kessler
- Julia Faith Ketola#
- Sean Farrell Killoran
- Matthew Jon Kohlin
- Montana C. Kozlowski
- Brandon M. Lamphier
- Majestic Marie Lasky
- Dijon Rogers
- Shontel Lee Rood
- Brody John Russell#
- Max Saburn*
- Celina V Saice
- Kylla Jean Sanz
- Lexi Elise Senarigh#
- Asher Paul James Senarigh-Fenstermaker
- Kylie Lorraine Sheeh#
- Duane Charles Simmons
- Jenna R. Skull*#%
- Charissa Mae Smith*
- Jarrod John Smith
- Myra Jane Stauber*%
- Elena Mariah Steel*
- Mackenzie Lynn Stenstrom*#
- Nathan Robert Stojevich
- Hannah F. Strom*
- Isaak Antonio Ibalrico
- Donie D Taylor
- Mason Roger John Thomas
- Emily Anne Thompson
- Dametre E. Thunberg*
- Jack E. Tibbs
- Dru Kenneth Toussignant
- Filip A. Turesson (foreign Exchange)
- Isalah James Turner
- Audrey Kathryn Tusken*#%
- Jenna Elizabeth Underen*#
- Johanna Ruth Underen#
- Madison Cheyenne Urrutia
- Military VanMeter
- Jacob J. Vegar
- Alexandra R. Vine
- Cassidy Jade Walker*%
- Alexander Alan Wilcox*#%
- Brianna Lu Williams*%
- Octavious M Williams
- Quentin Matthias Winterfeldt
- Eyreon S. Witherspoon-Freeman
- Ricky James Worley
- Dylan Joe Wosmek
- Kong James Xiong*#%
- Meng Fan Zheng
- Basia C. Leahy#
- Anna Elise Leonard*#%
- Chyana Levine
- Thomas Lint
- Dalton Michael Lipinski%
- Samuel M. Liston
- Breanna A. Love*#
- Tanisha R. Luckett
- Bradley C. MacDougall
- Samantha L. Marholtz
- Alexis M. Marshall
- Halley J. Mathison
- Cara Kaitlynn Cecilia Maxson
- Mason C. McCumber
- Nicola C. Meyer
- Abigail L. Michellizzi
- Olivia Lynn Micken
- Shondex LaVonte Morris
- Theodore I. Mosqueda-Beaudoin
- Ying Moua
- Jacklyn Denise Muccilli
- Austin Jordan Nelson
- Margaret Nelson
- Skyler Robert Nelson
- Andrew Joseph Nesje
- Cameron L. Olson
- Jenna Ann Olson
- Tugce Deniz Onkuzu
- Emma Estelle Owen
- Dejah Dasne Owens
- Lisa Jeanette Packingham*
- Jared Michael Pearson
- Taryn A. Pederson
- Lauren Mackenzie Penttinen
- Kage Andrew Peterson
- Steven Lee Phipps*
- Colton Lee Pietila
- Trevon Jay Pille
- Gretchen Ann Powell
- Timothy Augustine Przybyl
- Joann Katherine Puglisi*#%
- Quinn Ross Lin Reamer*%
- Livia M. Redenbaugh*#%
- Matthew John Reese
- Corey Patrick Reilly
- Conor James Reind*#%
- Kevin Ritchie
- Jayson Raymond Rising Sun
- Madeline Grace Roberts*#

* Denotes Academic Letter
Denotes National Honor Society
% Denotes Top 10% of the Class

PRINCIPAL

Ms. Danette Seboe

ASSISTANT PRINCIPAL

Mr. Jon Flaa

SENIOR CLASS CO-ADVISORS

Ms. Brenda Florestano
Mr. Jerome D. Upton

DULUTH SCHOOL BOARD MEMBERS

Mr. David Kirby, Chair
Ms. Annie Harala
Mr. Art Johnston
Ms. Rosie Loeffler-Kemp
Ms. Alana Oswald
Ms. Nora Saastad
Mr. Harry Welty

The Class of 2017 numbers 345 graduates



EAST HIGH SCHOOL ALMA MATER

We hail our Alma Mater, its glorious name we praise.
Each loyal son and daughter, too
A joyous song we'll raise.

Our birch trees white, our campus bright,
Our clear, blue northern sky
Will ever bring fond memories of our East High.

We fondly will remember, our lake of silvery blue
And near its shores, our Alma Mater, glorious to view.
We hold thee near; we hold thee dear.

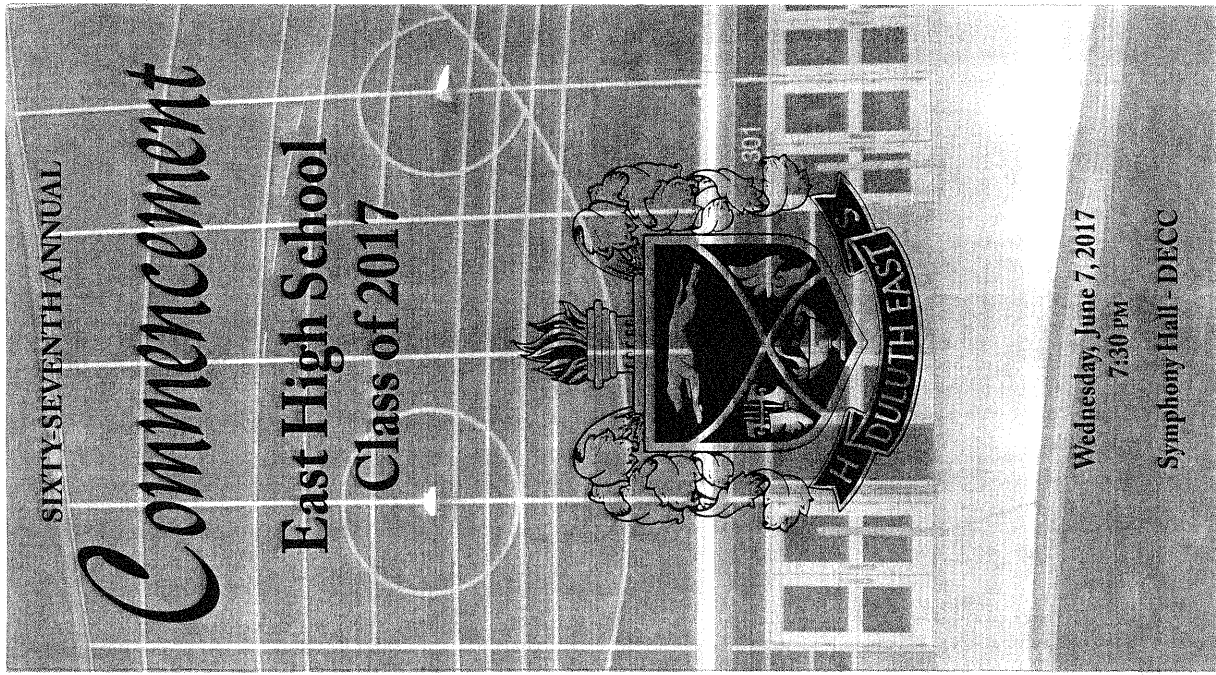
We cherish every tie.
With reverence we will honor thee, our own East High

To faculty and classmates, we bid you fond farewell.
Our banners fly; our hopes are high; our thoughts will
always dwell.

Our memories dear, will bring a tear.
We'll often breathe a sigh.
We'll ne'er regret, we'll ne'er forget, our old East High.

-- Robert J. Vickers

(Audience 1st and 3rd verses, ACappella Choir 2nd verse)



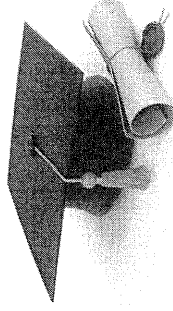
America the Beautiful

O beautiful for spacious skies
For amber waves of grain
For purple mountain majesties
Above the fruited plain!
America! America!
God shed his grace on thee
And crown thy good with brotherhood
From sea to shining sea!

O beautiful for patriot dream
That sees beyond the years
Thine alabaster cities gleam
Undimmed by human tears!
America! America!
God mend thine every flaw,
Confirm thy soul in self-control
Thy liberty in law!

Graduation Ceremonies

*Adult Learning Center
Area Learning Center
Bridge & Transition 12
Programs*



*Thursday, June 8, 2017
5:30 P.M.*

*Lincoln Park Middle
School Auditorium
Duluth, Minnesota*

A handwritten signature in black ink, appearing to read "Adrian Adams".

Prelude Selections by

Duluth Community Band
Directed by Tracy Gibbens

Processional

Graduates
"Pomp and Circumstance"
by Edgar Elgar

Welcome

Adrian Norman, Principal
ALC/AEO

Pledge of Allegiance

Audience

America the Beautiful

Chad Hanson, ALC Music Specialist
Stacy Mettner, Soloist

Masters of Ceremonies

Joseph Schingen, ALC teacher
Linnea Lebens, ABE teacher

Class Speakers

Tyler Persch, T12
Fred Martin, Adult Diploma
James Warmington, Area Learning Center

Special Music

Pipestone Group,
Directed by John Morrow

Keynote Speaker

Chief Mike Tusken,
Duluth Police Department

Presentation of Graduates

Adrian Norman, Principal
ALC/AEO

**Conferring of Diplomas and
Acceptance of Graduates**

Bill Gronseth, Superintendent
and David Kirby, School Board Chairperson

Articulators

David Grigg, Bridge
Kim Franchkowiak, ALC

**Group Picture &
Movement of Tassel**

Patty Fleege, Coordinator Adult Education

Recessional

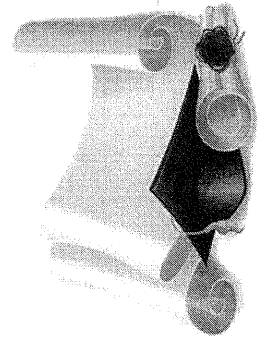
Graduates "Aida Grand March" by Verdi
Chad Hanson, piano

Honored Guests

Bill Gronseth, Superintendent
Amy Starzecki, Assistant Superintendent
Dr. Michael Cary, Curriculum Director
Dr. Tawnyea Lake, Assessment Director

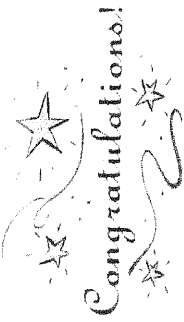
School Board members:

Annie Harala Alanna Oswald
Art Johnston Nora Sandstad
David Kirby Harry Welby
Rosie Loeffler-Kemp



High School Diploma

Leah Kalin Ach
 Sabrina Marie Arne
 Samantha Rae Bangs
 Narquise Dimaz Benton
 Joshua Gary Berntsen
 Kaylee Ann Broman
 Andy Jon Bruckelmyer
 Linae Lori Bruckelmyer
 LaTasha Alize Patrice Burse
 Tywan Deonest Carter
 Morgan Rose Chiodi
 Kyleigh Jo-Lynn Cloud
 Hunter James Coughlin
 John Conrad Davis
 Anthony Jacob Dollens
 Danielle Marie Floyd
 Savannah M Forrer
 Rory Edward Freeman
 Jared Richard Fyle
 Jade Sweet Gertsema
 Lanesha LaShuan Guthrie
 Gabriel James Hakkila
 Colten Lee Hanson
 Christian Michael Hanten
 Joi Lasoundra Hargrove
 Madeline Marie Hennessey
 Zachary Alan Henry
 Da'Najia Mae Holliman
 Cassie May Horst
 Madison Samantha Hoyt
 Chloe' Mary-Ellen Jacobson
 Aaron Matthew Johnson
 Jaydee Marie Johnson



Wesley Kieth Johnston
 Alexis Marie Jung
 McKenzie K Ketola
 Samantha Ann Lanpher
 Caitlin Sarah Lawler
 Natasha Marie Lindberg
 Mason Patrick Linn
 Carlynn J Lipe
 Zachary Kevin Marble
 Dylan James Mass
 Alaynah Kay Mattila
 Angie Samantha S Mattinas
 Marrison Meunier
 Jacob Thomas Meyer
 Holly Renae Miller
 Courtney Joann Mukes
 Jack Bridger Munger
 Nathaniel Joseph Nason
 Tai Tan Nguyen
 Quiendez Noel
 John Wayne Orrey
 River Duval Petermeier
 Jacob John Peterson
 Krista K Phillips
 Karl C Pleus
 Gianna Nashae Presley-Baum
 Jaren Thomas Pykkonen
 Hunter Arlen Rackliffe
 Emily Susan Reno
 Jose Alberto Rodriguez-Ramirez
 LilyAnne Mae Rogers

High School Diploma

Ty Dillon Romans
 Chase William Ruuska
 Kyle Ray Sailor
 Malcolm Reginald Samuels
 Marisol Sanchez
 Fhenix Elijah Savage
 Terrence James Sayers
 Tyler Gregory Schulz
 James Brodin Scitzs
 Hope Marie Sherwood
 Christina Ione Mae Snyder
 Andrew David Solem
 Jerrod Ronald Sundberg
 Brad Michael Sverci
 Parker Jon Swor
 Troy Michael Tikka
 Benjamin H VanDell
 Harold Walker
 Aurora Fae Wallace
 * James Joseph Warmington
 James Martin Wilde
 Parker John Wilson
 Shane Michael Yagoda
 Ethan Patrick Young
 Stacie Lynn Zukowski

Bridge/T12

Mason Arrmone Holmes
 Anjelica Margaret Robin Holmes
 * Tyler Michael Persch
 Angel Robin Hathaway
 Autumn Lynn Towle
 Eponine Gwendolyn Schomberg
 Austan Antonio Williams
Adult Diploma
 *Frederick Martin
 Sheila O'Konek
 Christopher Ream
 Donovan Sohm
GED
 Drake Britton
 Heather Cary
 Katie Cary
 Audrey Kallinen
 Jamie Maruk
 Meaghan Montgomery
 Dustin Parsons
 Jennifer Peterson
 Rebecca Roxx
 Christina Walsh

The participating graduates represent only a portion of those students who completed their Adult Diploma or GED requirements. Approximately 35 GED students and 5 diploma students graduated through the Adult Learning Center program in the past year.

*Denotes class speaker

Graduation Ceremony

*Academic Excellence Online
High School*



*Thursday, June 8, 2017
1:00 P.M.*

*Historic Old Central
High School, Room 318
Duluth, Minnesota*

Prelude Selections by Chad Hanson, AEO Music Specialist

Processional Graduates "Pomp and Circumstance"
by Edgar Elgar

Welcome Adrian Norman, Principal
Pledge of Allegiance Audience

Masters of Ceremonies Joseph Schingen, AEO Teacher

Presentation of Graduates Adrian Norman, Principal

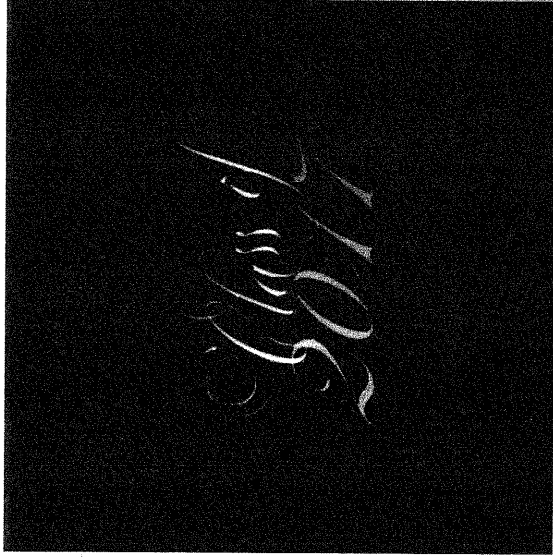
**Conferring of Diplomas &
Acceptance of Graduates** Bill Gronseth, Superintendent
and David Kirby, School Board Chair

**Group Picture &
Movement of Tassel** Joseph Schingen, AEO Teacher

Recessional Graduates "Aida Grand March" by Verdi
Chad Hanson, piano

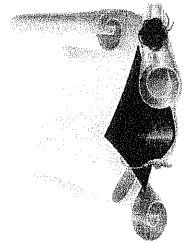
Honored Guests Bill Gronseth, Superintendent
Amy Starzecki, Assistant Superintendent
Dr. Michael Cary, Curriculum Director

School Board members:
Annie Harala Rosie Loeffler-Kemp
Art Johnston Alanna Oswald
David Kirby Harry Welty



High School Diploma Graduates

Casey Canfield
Sophia Furey
Brian Vanderport
Levi Hayden



**DATA SHARING AGREEMENT FOR RELEASE
OF DATA UNDER “SCHOOL OFFICIAL” EXCEPTION**

This Data Sharing Agreement (“Agreement”) between Independent School District No. 709, Duluth Public Schools (“District”) and THE REGENTS OF THE UNIVERSITY OF MINNESOTA THROUGH ITS DULUTH CAMPUS UPWARD BOUND, is entered into as of July 1, 2017 (“Effective Date”). The District and THE REGENTS OF THE UNIVERSITY OF MINNESOTA THROUGH ITS DULUTH CAMPUS UPWARD BOUND PROGRAM are referred to collectively as the “Parties.”

WHEREAS, certain individuals affiliated with THE REGENTS OF THE UNIVERSITY OF MINNESOTA THROUGH ITS DULUTH CAMPUS UPWARD BOUND (hereinafter “Requesting Entity”) will provide *EDUCATIONAL SUPPORT* to the District for the 2017-2018 school year; and

WHEREAS, the services to be provided by individuals affiliated with Requesting Entity are institutional services and functions for which the District would otherwise use its own employees; and

WHEREAS, the District anticipates individuals affiliated with Requesting Entity will be required to access personally identifiable information related to students and educational data in order to effectively provide services to the District; and

WHEREAS, both the Family Educational Rights and Privacy Act (“FERPA”) and the Minnesota Government Data Practices Act (“MGDPA”) allow certain contractors, consultants, volunteers, and other parties to access information that would otherwise be protected from disclosure under a “school official” exception; and

WHEREAS, individuals affiliated with Requesting Entity will be providing services in a manner that meets the relevant requirements to qualify as a “school official” under both FERPA and the MGDPA; and

WHEREAS, the Parties wish to enter into this Agreement in order to outline in greater detail the terms and conditions upon which individuals affiliated with Requesting Entity will be granted access to certain protected student data as a “school official.”

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties agree to the following:

1. **Services Provided to District.** Requesting Entity is a CONSTITUTIONAL CORPORATION whose TUTOR will provide *EDUCATIONAL SUPPORT* to the District. The services to be provided to the District are institutional services and functions for which the District would otherwise use its own employees.

2. **Protected Student Data Defined.** “Protected Student Data” means any data defined as “personally identifiable information” contained in educational records as the term is defined in FERPA and its implementing regulations, 20 U.S.C. § 1232g and 34 C.F.R. § 99.31, or “educational data” as defined in the MGDPA, Minn. Stat. § 13.32.
3. **Types of Data to be Accessed.** In the course of providing the services described in Paragraph 1, individuals affiliated with Requesting Entity will have a legitimate need to access Protected Student Data in the form of ATTENDANCE, GRADES, GRADEBOOK, TRANSCRIPTS, TEST SCORES AND SCHEDULES. The data described in this Paragraph is subject to disclosure restrictions imposed by FERPA and the MGDPA.
4. **District’s Control over Use and Maintenance of Data.** The following terms and conditions will govern the manner in which individuals affiliated with Requesting Entity will have access to Protected Student Data:
 - a. *TUTOR* shall be the only representatives of Requesting Entity granted access to Protected Student Data in accordance with the terms of this Agreement. Protected Student Data shall not be shared with any employee, agent, volunteer, or other affiliate of Requesting Entity who is not within the group of individuals defined in this Paragraph. Prior to being granted access to Protected Student Data, each TUTOR must review and sign the acknowledgement and consent form attached hereto as Exhibit A.
 - b. Requesting Entity shall not attempt to use, access, or maintain Protected Student Data for any reason other than purposes legitimately necessary for its TUTOR to provide the services referenced in Paragraph 1. Requesting Entity shall not maintain its own files, documents, or any other form of records containing Protected Student Data or attempt to obtain access to Protected Student Data for anyone other than an individual described Paragraph 4(a).
 - c. The use and maintenance of Protected Student Data by TUTOR shall be at all times subject to the District’s direct control.
 - d. Individuals providing services as TUTOR shall be granted access to Protected Student Data through the District’s Infinite Campus system in a manner deemed appropriate by the District. Requesting Entity shall supply the District with a list of the names of the individuals providing services as TUTOR to the principal of the building in which each individual will be providing services. Upon receipt of the list of names, the District will determine using its sole discretion the extent to which each individual will be granted access to Protected Student Data through the Infinite Campus system. Under no circumstance will an individual be granted greater access

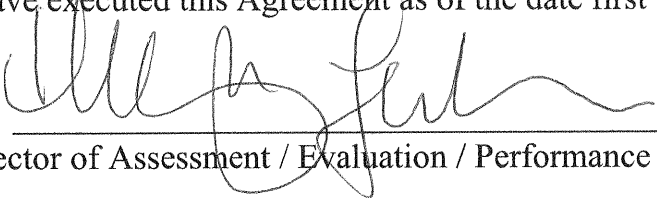
to Protected Student Data than what is legitimately necessary to effectively provide the services listed in Paragraph 1. The District retains the right to alter at any time and in its sole discretion the manner in which individuals providing services as TUTOR access Protected Student Data. No individual will be granted access to Protected Student Data unless the person has signed the form attached as Exhibit A and provided a copy to the principal of the building in which the individual will be providing services.

- e. The individuals providing services as TUTOR shall not copy, duplicate, alter, modify, or otherwise make changes to or reproductions of Protected Student Data unless legitimately necessary to perform the services described in Paragraph 1. If any individual who has been granted access to data in accordance with this agreement has maintained copies or other reproductions of Protected Student Data for legitimate purposes, such copies or other reproductions must be destroyed within 30 days of the expiration of this Agreement.
 - f. The District reserves the right to restrict, modify, or discontinue the use and maintenance of Protected Student Data authorized by this agreement for any reason. If the District exercises its sole discretion to restrict or cancel access to data, Requesting Entity and/or its affected representatives shall destroy any copies or reproductions of data which they no longer have access in accordance with the timeframe and requirements of Paragraph 4(f) of this Agreement.
5. **Rediscovery of Protected Student Data.** In the course of performing the services described in Paragraph 1, the Parties agree that individuals providing services to the district as TUTOR shall not redisclose Protected Student Data to any representative of Requesting Entity not within the class of individuals identified in Paragraph 4(a) or any person or party other than a school official with a legitimate need to access the data unless disclosure is specifically authorized or required by law. In the event a parent or eligible student requests disclosure of Protected Student Data to a third party, Requesting Entity and its representatives shall direct the requesting parent or eligible student to the appropriate building principal, who will process each request to disclose Protected Student Data in accordance with applicable District policies and procedures.
6. **Data Related to TUTOR Evaluations.** The Parties agree that data maintained by the District with respect to individuals who perform services on a voluntary basis for the District is defined as personnel data by the MGDPA, Minn. Stat. § 13.43. In the event Requesting Entity requests information from the District that is not classified as public data pursuant to Minn. Stat. § 13.43, subd. 2, Requesting Entity shall obtain a written consent of the subject of the data prior to requesting the data from the District.

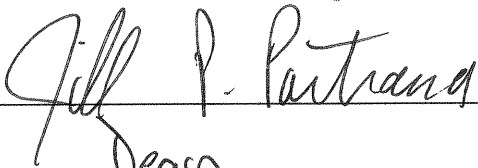
- 7. **Term.** This agreement shall be valid from the date duly approved by both Parties through June 30, 2018. On July 1, 2018, this agreement shall terminate and the District will terminate the ability of the individuals described in Paragraph 4(a) to access Protected Student Data.
- 8. **Successors and Assigns.** This Agreement will be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns. No Party may assign or transfer this Agreement or any of its rights, interests or obligations hereunder without the prior written consent of the other Party.
- 9. **Amendment/Modification.** This Agreement may be amended or modified only by a writing executed by the Parties. No custom or practice of the Parties at variance with the terms hereof will have any effect.
- 10. **Entire Agreement.** This Agreement constitutes the entire agreement and understanding of the parties relative to the subject matter hereof. The parties have not relied upon any promises, representations, warranties, agreements, covenants or undertakings, other than those expressly set forth or referred to herein. This Agreement replaces and supersedes any and all prior oral or written agreements, representations and discussions relating to such subject matter.

IN WITNESS HEREOF, the Parties have executed this Agreement as of the date first written above.

DATE: 6.10.17

By: 
Director of Assessment / Evaluation / Performance

DATE: 5/23/17

By: 
Title: Dean

Phone: (218) 726-6537

DATE: _____

By: _____
School Board Chair, Duluth School District 709