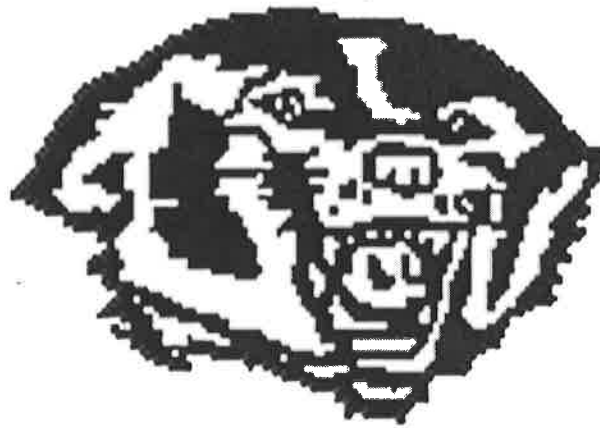


# **Glenville-Emmons Elementary**



**Student Handbook  
2013-2014**

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### **MISSION STATEMENT :**

*Develop responsible and confident individuals who will succeed in and contribute to a changing world.*

Superintendent..... Mr. Jerry Reshetar  
Principal ..... Mr. Jeff Tietje  
Dean of Students..... Mr. Craig Rayman  
Secretary ..... Mrs. Mary Branstad  
Social Worker..... Mrs. Melissa Haugh  
Special Education Director ..... Mr. Dan Aarmagost  
Title I Coordinator..... Mr. Ryan Short



### **TEACHERS**

Preschool ..... Mr. Ryan Short  
Kindergarten..... Ms. Sondra Olawsky  
First Grade ..... Mrs. Cheri Butler  
Second Grade ..... Mrs. Sherry Adams  
Third Grade ..... Mrs. Julie Bernau  
Fourth Grade..... Mr. Mike Hockert  
Fifth Grade ..... Mrs. Lisa Durby  
Sixth Grade ..... Mrs. Megan Flatness

### **SPECIALISTS**

Music/Vocal ..... Mrs. Sheila Rame  
Music/Band ..... Mr. Jared Eastvold  
Physical Education ..... Mr. Lucas Knutson & Mr. Craig Rayman  
Special Education ..... Ms. Candice Tellers  
Title I ..... Mr. Ryan Short

### **PARAPROFESSIONALS**

Preschool/Title One..... Mrs. Beth Oeltjenbruns  
Special Education ..... Mrs. Shana Iverson  
Special Education ..... Mrs. Tammy Jacobsen  
Title I ..... Mrs. Renae Herr  
Title I ..... Mrs. Kris McIntyre

### **KITCHEN/CUSTODIAL**

Cook..... Mrs. Betty Mischler  
Cook..... Mrs. Tammy Johnson  
Custodian ..... Mrs. Becky Osheim,  
Custodian..... Mr. Chuck Trost

### **ACCIDENT**

Every accident in the school or on school grounds must be reported to the person in charge and to the school office.

### ARRIVAL/DISMISSAL



***In the event that there will be a late start, early dismissal, or no school due to weather or an emergency; an announcement will be made to the following stations: KATE 1450 AM, KRGR 95FM, KAAL TV 6, KIMT TV 3***

**WALKERS**—Children are asked not to arrive at the building prior to 8:00 am (unless eating breakfast—7:50 am). Children who walk to school will wait in the foyer until the first bus arrives. They will be dismissed from the east playground doors or from the main entrance when the last bus drives away from the building.

Parent/guardians who pick their children up from school must come in the main entrance of the building to meet them. Please remain in the area by the office. Your child will meet you at the door.

If you wish to remain in your car, then please park on the street on the northeast corner of the playground. Your child will exit the school by using the playground doors.

Please try not to pick up students before dismissal time unless it is an emergency.

### ATTENDANCE

When a child is absent:

- A. **ILLNESS**—To excuse an absence due to illness, the parent is required to call the school on the day of absence and state the reason for the absence. If the student has reported to school and become ill, he/she cannot leave without reporting to the Office. Before a student is sent home, the office will make every effort to make arrangements with the parent or a responsible person.
- B. **PRE-EXCUSED ABSENCES**—An absence for reasons other than illness must be excused at least one day in advance. The following procedures will be followed:
  - 1. The parent must send a note to the office explaining the reason for the absence and the date(s) the student will be absent. At that time, arrangements will be made to complete any work missed.
  - 2. Good attendance is important and we **STRONGLY DISCOURAGE** absences for non-school sponsored activities, such as:
    - a. Shopping trips      b. Vacations
    - c. Appointments      d. Lessons (music, dance, etc.)

- e. Sport activities
- f. Sibling care
- g. Oversleeping

C. **TARDINESS**—All portions of the school day are valuable. Even partial attendance is preferred to an absence for the day.

1. Upon arrival, the child will report to the Office for a tardy slip and go to class.
2. The parent will be informed when tardies become excessive or exceed 5 during the year. A letter will be sent from the Principal.

D. **DISTRICT PROCEDURES FOR EXCESSIVE ABSENCES**

1. A letter of concern from the Principal will be sent to the custodial parent/guardian after absences total the equivalent of 10 days. A copy of the letter will be put in the child's cumulative folder.
2. After accumulated absences total 12 days, the attendance pattern will be reviewed. A prevention contract may be developed by the teacher, parent and student. The contract will also be signed by the Principal and a copy will go into the child's cumulative folder. The cumulative folder will be flagged with a yellow alert. Each situation will be reviewed on its own characteristics. Contracts will be routinely reviewed within 30 school days or less by the Principal, teacher and parent/guardian which may result in a new contract.
3. If the contract does not remedy the attendance problem, referral will be made to **Freeborn County Department of Human Services**. Outcomes may include involvement with the school social worker and/or community agencies.
4. If absences continue without due cause or good reason, a petition will be filed for **Educational Neglect**.

E. **TRUANCY**—A student is truant when he/she is absent from class without permission of parent and/or school. Truancy is punishable by detention and/or suspension. Continued truancy with no improvement could be **petitioned with Freeborn County DHS for Educational Neglect**.

### **BUS SAFETY**

Students who do not follow these rules may lose bus riding privileges:

1. To observe the same general rules of conduct as in the classroom. Behave in an appropriate and reasonable manner.
2. To be cooperative and courteous. Respect the rights and property of others.
3. To not eat or drink on the bus. The bus driver will grant permission only in special situations.
4. To keep the bus clean.
5. To respect that the bus driver has authority over the bus you are riding on. Follow directions the first time they are given.
6. To stay in your seats while the bus is moving.
7. To keep your head, hands, or feet inside the bus.



8. To help make each bus ride as safe of an experience as possible. To wait for the bus to stop before boarding or leaving, cross in front of the bus, dress appropriately according to the weather, wait for all-clear signal from the driver when necessary and have no shoving or pushing.
9. For extra-curricular activities: To return on the bus you came on unless you have a formal written request from your parent or guardian that is given directly to the driver or chaperon prior to your leaving.

### **COMMUNICABLE DISEASE**

Parents/Guardians are requested to report immediately any knowledge of communicable diseases to the office personnel in an effort to prevent further spread of the disease to the student body.



### **DISCIPLINE SYSTEM**

- A. ACADEMIC—Students may be required to stay after school with their teacher, if assignments are not complete.
- B. BEHAVIORAL—There will be a progressive system used in behavioral discipline. This is assuming that each infraction is only mild in severity. For behavior problems that are more severe, the teacher will have the option to assign a higher level of discipline immediately. Normal progression within a class period or a school day for behavioral discipline:
  1. Warning
  2. Assigned seating and/or restitution, teacher contact
  3. Time out of class, detention and/or restitution, phone call to parents
  4. In-school suspension, restitution, certified note, phone call from Principal to parents
  5. Out of school suspension, restitution, certified note, phone call from Principal, conference with parent, teacher, and Principal

\*Restitution must be related, respectful, and responsible

- C. CONSEQUENCES for incidents involving drugs, alcohol or tobacco, stealing, destruction of personal or school property, or sexual harassment may be handled by the Police Department.
- D. DETENTION— A student may be given for either academic or behavioral reasons. No student, at any grade level, may be kept after school on the night of the offense unless arrangements have been made between parents/guardians and the teacher. A letter or telephone call will be made to the home stating why the teacher wants the student to remain after school and when. The parent/guardian is responsible for providing a ride home for the student if he/she is a bus students.

#### E. SUSPENSION-

Students involved with smoking, drinking, drugs, weapons, abuse, assault, vandalism, disruption, insubordination, immoral behavior, theft, harassment, truancy or repeated violation may be suspended.

### ELECTRONIC DEVICES

Electronic devices are discouraged in the school because of their potential to disrupt the learning environment. The cell phones, CD players, radios, MP# players, head phones, lasers, or other electronic devices will not be allowed during the academic school day. If an electronic device is confiscated from the student, student and/or parents will have to pick it up in the office. Parents are asked not to call or text message their child's cell phone during the day. Please call the office and a message will be given to your child.



### FIELD TRIPS CHAPERONES

The teacher will determine the number of chaperones that will be needed for field trips. The number of chaperones needed will depend on the activity that will take place. The chaperones will be randomly drawn by the teacher.

The teachers will determine the size and make-up of the groups that the class is divided into. This will be determined by the activity.

The chaperones will not be allowed to buy the students in their group any souvenir of any type during the trip.

There will be **NO EXCEPTIONS** made for any parent at any time. **Teachers will make the final decision.**

### FIRE PROCEDURES

The signal for fire drills is the continuous ringing of the buzzer. A floor plan showing escape routes is posted in each classroom. Everyone should become familiar with it. The general rule is to use the closest exit.



At the sound of the alarm, follow the instructions of the classroom teacher. Close all windows, doors, and turn out lights. File out of the room in an orderly manner as quickly as you can without running. The first to reach an outside door should hold them open until all have left the building.



All staff members and students are to evacuate the building. No one is to return to the building until the outside bell is rung by the superintendent or his designated representative.

### GENERAL RULES

A. SCHOOL-These rules have been put together to provide as much consistency as possible. These rules will be enforced by all staff.

1. Students are to respect each other and their property.
2. Students will talk and walk in a reasonable manner (swearing will not be tolerated).
3. Students are not allowed in another student's locker, desk, or other possessions. Stealing will be handled by the Police.
4. Students are not to leave their classrooms without permission by the teacher.
5. Students are not allowed to wear coats, hats, gang related, or offensive attire in the school building.
6. Students are not to have gum, candy or pop in the school. (Exception: Treats given to the student as a part of an organized activity.)
7. Students are to behave in a manner that is safe for you and others.
8. In the hall: Be Quiet, Walk not run, Do not push or shove.
9. Fighting on school property will NOT be tolerated.



B. SUPERVISION-A student must have permission and supervision of a teacher/adult to be in any part of the building. Students are not to be in the building before 8:00am unless they are participating in the school breakfast program or after 3:20pm unless they are directly involved in a supervised after school activity.

10. Stay away from the bikes during recess.
11. Home athletic equipment must be approved by the person on duty.
12. Students are not to run out into the road to get balls.

### GRADES

Report cards will be sent home the week following the grading periods with exception of report cards given to the parents/guardian during 1st quarter conferences. All letter grades will be as follows:

A	100-96	C	76-73
A-	95-90	C-	72-70
B+	89-87	D+	69-68
B	86-83	D	67-66
B-	82-80	D-	65-60



### **HARASSMENT/HAZING**

Everyone at District 2886 has a right to feel respected and safe. Consequently, we want you to know about our policy to prevent religious, racial or sexual harassment, and violence of any kind.

Harassment may include the following when related to religion, race, sex or gender:

1. Name calling, jokes or rumors
2. Pulling on clothing
3. Graffiti
4. Notes or cartoons
5. Unwelcome touching of a person or clothing
6. Offensive or graphic posters or books covers; or any words or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.

If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, the principal or Human Rights Officer, or the superintendent. You may also make a written report. It should be given to a teacher, counselor, principal or the Human Right Officer.

Your right to privacy will be respected as much as possible.

We take seriously all reports of religious, racial or sexual harassment, or violence and will take all appropriate actions based on your report.

The School District will also take action if anyone tries to intimidate you or take action to harm you because you have reported.

### **HOMELESS POLICY**

Glenville-Emmons Schools has a Homeless Policy that is available to any interested family in the school district. A copy of the policy can be obtained at Glenville-Emmons Elementary in the office.

### **HOMEWORK AND LATE WORK**

Students in grades 4, 5, and 6 are expected to have their homework completed at the beginning of class time. If a student should have late work, there will be a procedure that will be followed by the teachers. The student has the number



of days that they were gone from school + 1 day to receive full credit. The following procedure will be followed.

1 day late – The assignment will be docked 10%.

2 days late – The assignment will be docked 20%.

3 or more days late – The assignment will be completed and turned in to the teacher, but the grade will be a 0.

### **IMMUNIZATIONS**

Minnesota law requires all children in school be immunized against Measles-Rubella-Mumps (MMR), Polio, Tetanus-Diphtheria-Pertussis (DPT) and Hepatitis B (Hep B). These immunizations must be part of the student's health record. If data is missing or incomplete the student is to be refused admission to school until the immunizations are taken and the record is complete.



### **INTERNET GUIDELINES**



All students will receive training on the proper use of the Internet. This training will include how to access and exit out of areas of the internet. During the training the Glenville-Emmons Schools Policy Statement and Guidelines will be read and discussed. Students not receiving this training will not be allowed on the Internet.

In addition, students must return to the office: a parent and student signed copy of the Internet policy statement and guidelines. If the form is not signed by both the student and the student's parent and turned into the office, the student will not be allowed on the Internet.

### **DISCIPLINE PRODEDURE FOR INTERNET USE:**

1. If a student inadvertently accesses inappropriate material on the Internet, but then quickly exits that area of the Internet without drawing attention to the material, no disciplinary action will be taken.
2. If a student draws attention to inappropriate material accessed on the Internet, the first offense will result in a one-month suspension from using the Internet. A second offense will result in a one calendar year suspension.
3. If a student prints anything that is inappropriate from the Internet, an automatic one calendar year suspension from using the Internet will be enforced.

\*The staff and administration will determine appropriate and inappropriate uses of the Internet.

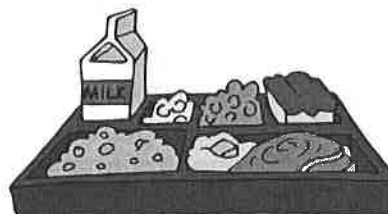
### **LOCKERS**



Students will be responsible for the proper housekeeping and maintenance of their own lockers. This will be monitored on a regular basis. Due to safety codes items must be stored inside the lockers. Please make sure all items fit in your locker. The student lockers are a part of the school building, and as such are under the supervision and jurisdiction of school officials. School officials may search the student lockers any time.

### **LUNCHROOM/FOOD SERVICE**

Students are to bring lunch money to the office at the beginning of the school day, **not while in the lunch line**. The lunch money will be put into your family account. Your family lunch account balance is available on the school website. Reminders will be sent home when your lunch account carries a low balance.



**Charging will be allowed for only 5 meals per student.** If your family lunch account is not paid, he/she will not be allowed to eat lunch until the charges have been paid in full and **account has a positive balance.**

Students are to pass to the cafeteria quietly and in an orderly manner. All students eating lunch must take a plate and their milk, when going through the line. Students are to remain in the cafeteria until they have finished eating and have been excused by the lunchroom supervisor.

Restroom breaks must be taken before they enter the lunchroom and after they are excused. At no time are pupils allowed to take food outside the cafeteria. Deposit lunch litter in wastebaskets, return all plates and utensils to the dishwashing area and leave the table and floor around your place in clean condition for others.

Students may go home for lunch provided that parents sign a permission slip to be filed in the office and that frequent tardiness does not occur as a result of going home during the lunch break. Permission to go home will be made on a daily or weekly schedule. All requests must be made for a least one quarter and approved by the Principal.

### **MEDICATION**

If a student must take medication daily during the school day, it is to be left in the school office. All medication must be in the original container. A "Prescription Medication Request and Authorization" form filled out by your doctor **will be kept on file in the office for the current school year only.**

Over the counter medications, such as Tylenol, ibuprofen, cough drops, etc. will need to be supplied by the parent and will be dispensed to students at the office only. An "Over the Counter Drug Administration" form must be filled out and signed by a parent or guardian and returned to the Principal's office before the medication can be given. **Any short-term medication to be taken at school needs to have a form filled out and returned to the office before medication can be dispensed.**

### **PARENTS RIGHT-TO-KNOW**

At the beginning of each school year, a school that receives funds from the state or federal government shall notify the parents of each student attending any school that they have the right to request information regarding the professional qualifications of the student's classroom teachers including at a minimum the following:

1. Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.
5. Timely notice to the parent that their child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.

### **PARTIES**

A. **SNACKS/TREATS**-All drinks and snacks will be in accordance with the Glenville-Emmons School Wellness Policy.

B. **CLASSROOM**- Each classroom will have 3 parties during the year. The classroom teacher will determine when these parties will be held and the room parents may be asked to organize the party. The parties will not begin before 1:00pm. Snacks will be served in the cafeteria.

C. **BIRTHDAY PARTIES**



1. All invitations should be delivered by mail or phone, outside of school.
2. If the party is held immediately after school and the guests are expected to go home with the birthday child, the teacher should be given a guest list of who has been invited.
3. Any child attending a birthday party right after school **MUST HAVE THE WRITTEN PERMISSION OF A PARENT** in order to go directly to the party. All students without a written permission note will be sent home their usual way.

### **PERSONAL PROPERTY**

Glenville-Emmons Schools are not responsible for the loss or theft of student personal property. Parents may want to list personal property items of value on their homeowner insurance policy such as musical instruments. **Do not bring** large amounts of money, expensive jewelry, electronic games, CD players, Ipods, cell phones, etc. to school. If it is necessary to bring these, they should be left in the office when arriving at school and picked up before leaving.

### **PLAYGROUND**

Students are not to be involved in any activities that are not considered reasonably safe. Some rules that will promote this include:

1. Everyone will go outdoors unless a note is received from the child's parent.
2. Students should play with students of similar age.
3. **Boots should be worn when there is snow on the ground.**
4. No excessively rough games that involves inappropriate pushing, hitting, tripping, "blindsiding", or kicking of other students.
5. No improper use of the equipment, climbing is allowed only on the equipment designated for climbing.
6. You must wear snow pants to slide on the snow hills.
7. No throwing snowballs at anyone or anything.
8. Snow, sand, and pebbles stay on the ground.
9. Touch football **ONLY**—NO TACKLING.
10. One person per swing.
11. Stay away from the bikes during recess.
12. Home athletic equipment must be approved by the person on duty.
13. Students are not to run out into the road to get balls.



### **PROMOTION/RETENTION**

- A. PROMOTION—Students who achieve at levels deemed acceptable by local and state standards shall be promoted to the next grade level at the completion of each school year.
- B. RETENTION— will be considered when professional staff and parents feel that it is in the best interest of the student. Physical development, maturity and emotional factors will be considered as well as scholastic achievement. The superintendent's decision shall be final.

### SCHOOL DAY/HOURS

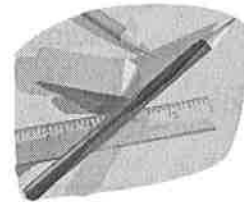
Classes begin each day at 8:20 am and dismissed at 3:05 pm.

Office Hours 7:30 am—4:00 pm

Teachers 7:30 am—3:30 pm

### SCHOOL SUPPLIES

Students are required to furnish their supplies (paper, pencil, pens, crayons, tennis shoes, etc). A list of school supplies is available at Shopko, Wal-Mart and at registration time.



### SCHOOL VISITATION

Students from other schools will not be allowed to visit school with a GE student. Parents/Guardians are welcome to visit the school anytime.

**Any parent or visitor entering the building MUST STOP AT THE OFFICE AND SIGN-IN. When they leave the building they must sign-out. ALL VISITORS MUST HAVE A VISITOR BADGE WHEN IN THE CLASSROOM WING.**

### STUDENT DRESS

Students whose dress and grooming do not conform to acceptable standards will be referred to the Principal who will warn the student and advise him/her as to what adjustments should be made. If the student fails to remedy the problem, the parents shall be contacted. If the problem remains uncorrected, the student shall be removed from the class or activity involved by the Principal until the situation is resolved. Such removal shall be in accordance with this policy.

**Appropriate** clothing includes, but is not limited to, the following:

1. Clothing appropriate for the weather.
2. Clothing that does not create a health or safety hazard.
3. Clothing appropriate for the activity (i.e., physical education or the

- classroom).
4. Shoes that are appropriate for the season.

**Inappropriate** clothing includes, but is not limited to the following:

5. Excessively short skirts or shorts.
6. Pants or jeans that expose underwear. NO pajama pants.
7. Tops that expose the midriff, shoulders, or chest – NO spaghetti straps.
8. Clothing bearing a message that is lewd, vulgar, or obscene.
9. Apparel promoting products or activities that are illegal or inappropriate for minors.
10. Any apparel or footwear that would damage school property.
11. NO flip-flop sandals – Health and safety issues.
12. Dress or grooming which is disruptive to the classroom environment which includes but not limited to extreme hair and clothing styles.
13. Exposure of undergarments of any type.
14. Hats are not to be worn in the building except with the approval of the building principal (i.e. medical purposes).

### **STUDENT SAFETY**

The safety of GE Elementary is a growing concern. A parent picking up their child at the end of the day should wait by the office/showcase area for their child.



Any parent picking up their child during the day must come in the building and sign the child out of the office. If they return later that day, the parent must also sign the child back in at the office.

Any visitor entering the building **MUST STOP AT THE OFFICE AND SIGN-IN.** When they leave the building they must sign-out. **ALL VISITORS MUST HAVE A VISITOR BADGE.**

### **TELEPHONE CALLS**

School telephones are for business and are reserved for that purpose. Parents/guardians may call at any time to leave messages for their children. If you are leaving a message for a student please call before 2:30pm if at all possible. Students may use the office telephone **only** in case of illness, emergency, or to return a parent's call. **PERSONAL PLANS HAVE TO BE MADE AT HOME BEFORE SCHOOL.**

Students will not be allowed to leave class to answer incoming calls except in an emergency or at the parent's request. Office calls will be limited to one minute.

### **TITLE IX—POLICY STATEMENT**



It is the policy of Independent School District 2886, Glenville-Emmons, Minnesota, that no persons, on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or extra-curricular activity.

### **TORNADO/SEVERE THUNDERSTORM PROCEDURES**

1. Tornado watches and warnings will usually be received from the Freeborn County Civil Defense. A steady blast for 2 minutes from the Civil Defense Siren indicated that a tornado has been sighted in the area.
2. There will be an announcement over the intercom or sent by a messenger notifying everyone of tornado watches and warnings.
3. When a tornado warning is announced by the superintendent, or his/her designee, everyone should proceed to the assigned shelter area.



### **DISTRICT POLICIES, STATE AND FEDERAL LAWS\***

**Attendance Policy:** The school board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important common actions between teachers and students and establishes regular habits of dependability important to the future of the students. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive. Research indicates that one of the major reasons for poor achievement in school is poor attendance. Students are expected to attend classes regularly and to be on time in order to receive maximum benefit from the school's instructional program. Habits of punctuality, self-discipline and responsibility are characteristics of successful people of all ages and in all walks of life. Moreover, disruption of the educational program must be kept to a minimum. There is no way to compensate for absence from classes. It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes every day that school is in session and to be aware of and follow correct procedures when absent from an assigned class. Finally, it is the student's responsibility to request any missed assignments due to an absence. Late assignments will result in loss of credit as determined by the teacher.

**Equal Education Opportunity Policy:** - It is the School District's policy to provide equal educational opportunity for all students. The School District does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The School District also makes reasonable accommodations for disabled students.

**Family Education Rights and Privacy Act (FERPA) Policy:** - The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- O School officials with legitimate educational interest;
  - O Other schools to which a student is transferring;
  - O Specified officials for audit or evaluation purposes;
  - O Appropriate parties in connection with financial aid to a student;
  - O Organizations conducting certain studies for or on behalf of the school;
  - O Accrediting organizations;
  - O To comply with a judicial order or lawfully issued subpoena;
  - O Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.
- Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.
- For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339.

**Or you may contact us at the following address:**

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920**

## **Harassment and Violence Policy:**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The school district prohibits any form of religious, racial or sexual harassment and violence.

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

- A. It is the policy of the school district to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The school district prohibits any form of religious, racial or sexual harassment and violence.
- B. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school district to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)
- C. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school district to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

### **III. RELIGIOUS, RACIAL AND SEXUAL HARASSMENT AND VIOLENCE DEFINED**

#### **A. Sexual Harassment; Definition**

- 1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
  - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
  - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.
- 2. Sexual harassment may include but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;
  - c. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;

- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of gender.
- B. Racial Harassment; Definition  
Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:
  - 1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
  - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. Religious Harassment; Definition  
Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:
  - 1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
  - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - 3. otherwise adversely affects an individual's employment or academic opportunities.
- D. Sexual Violence; Definition
  - 1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.
  - 2. Sexual violence may include, but is not limited to:
    - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
    - b. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
    - c. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
    - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- E. Racial Violence; Definition  
Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
- F. Religious Violence; Definition  
Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.
- G. Assault; Definition  
Assault is:
  - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
  - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
  - 3. the threat to do bodily harm to another with present ability to carry out the threat.

#### IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent.
- B. In Each School Building. The building principal is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence at the building level. Any adult school district personnel who receives a report of religious, racial or sexual harassment or violence shall inform the building principal immediately.
- C. Upon receipt of a report, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the human rights officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure

to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

- D. In the District. The school board hereby designates David R. Vik as the school district human rights officer(s) to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- E. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### **V. INVESTIGATION**

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

#### **VI. SCHOOL DISTRICT ACTION**

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

#### **VII. REPRISAL**

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

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

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

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

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

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

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.

- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

## **Hazing Policy:**

### **I. PURPOSE**

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

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

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

### **III. DEFINITIONS**

- A. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
  - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
  - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
  - 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.
- B. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

### **IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy.
- B. The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to a school district human rights officer or to the superintendent.
- C. Teachers, administrators, volunteers, contractors and other employees of the school district shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing shall inform the building principal immediately.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades or work assignments.

### **V. SCHOOL DISTRICT ACTION**

- A. Upon receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.

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

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### VI. REPRISAL

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

### VII. DISSEMINATION OF POLICY

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

**Internet Policy:** The computer resources and capabilities in District 2886 must be used in an ethical and lawful manner. Violations of district computer policies, Internet etiquette, or violations of the laws of Minnesota and the United States can result in disciplinary action by building administrators, the superintendent and the school board and or prosecution by legal authorities. Access to computer systems and the Internet are a privilege. All network users are expected to abide by the generally accepted rules of a computer and network etiquette. All students will be asked to sign a contract countersigned by their parents or guardians before they are eligible to use the Internet for any reason. Loss of access to e-mail privileges or Internet use will be a logical consequence for not abiding by the contract, which is a legally binding document. A full copy of the Internet guidelines and a new contract is given to each student at the beginning of each school year.

## Pledge of Allegiance Policy:

### I. PURPOSE

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

### II. GENERAL STATEMENT OF POLICY

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

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

### III. EXCEPTIONS

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

### IV. INSTRUCTION

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

**Protection of Pupil Rights (PPRA) Amendment Policy:** The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98) applies to programs that receive funding from the U.S. Department of Education (ED). PPRA is intended to protect the rights of parents and students in two ways:

- It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with an ED-funded survey, analysis, or evaluation in which their children participate; and
- It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning:
  - 1. Political affiliations;
  - 2. Mental and psychological problems potentially embarrassing to the student and his/her family;
  - 3. Sex behavior and attitudes;

4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents or students who believe their rights under PPRA may have been violated may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339. Or you may contact us at the following address:

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920**

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Subd. 4. Convenient Time and Place of Hearing. The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.

Subd. 5. Closed or Open Hearing. The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.

Subd. 6. Impartial Hearer. The hearing shall take place before:

- (1) an independent hearing officer;
- (2) a member of the school board;
- (3) a committee of the school board, or
- (4) the full school board;

as determined by the school board. The hearing shall be conducted in a fair and impartial manner.

Subd. 7. Creating Hearing Record. The school board shall record the hearing proceedings at district's expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths.

Subd. 8. Access to Pupil's Records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

Subd. 9. Pupil's Right to Compel Testimony. The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.

Subd. 10. Pupil's Right to Present Evidence and Testimony. The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

Subd. 11. Pupil Not Compelled to Testify. The pupil cannot be compelled to testify in the dismissal proceedings.

Subd. 12. Hearer's Recommendation Limited to Evidence at Hearing; Service Within Two Days. The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

Subd. 13. Basis of School Board Decision; Opportunity for Comment. The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision.

Subd. 14. Admission or readmission plan.

(a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve the pupil's behavior, including completing a character education program, consistent with section 120B.225, subdivision 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

Effective Date. This section is effective the day following final enactment.

### **121A.48 Good faith exception**

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

#### **121A.49 Appeal**

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

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

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

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

#### **121A.50 Judicial review**

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

#### **121A.51 Reports to Service Agency**

The school board shall report any action taken pursuant to sections 121.40 to 121A.56 to the appropriate public service agency, when the pupil is under the supervision of such agency.

#### **121A.52 Nonapplication of Compulsory Attendance Law**

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

#### **121A.53 Report to Commissioner of Education**

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

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

#### **121A.54 Notice of Right to be Reinstated**

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

#### **121A.55 Policies to be Established**

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02, and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy, and report it to the commissioner, on the appropriate use of peace officers and crisis teams to remove students who have an individualized education plan from school grounds.

#### **121A.56 Application**

Subdivision 1. Prohibition Against Discrimination Remains in Effect. Sections 121.40 to 121A.56 shall not be deemed to amend or otherwise affect or change section 363.03, subdivision 5, clause (2).

Subd. 2. Portions of School Program for Credit.

Sections 121A.40 to 121A.56 shall apply only to those portions of the school program for which credit is granted.

## **Pupil Fair Dismissal Act Policy:**

Pupils Suspension, Exclusion and Expulsion

Revised 2005**121A.40 Citation**

Sections 121A.40 to 121A.56 may be cited as "The Pupil Fair Dismissal Act."

**121A.41 Definitions**



Subdivision 1. "Applicability" As used in sections 121A.40 to 121A.56, the terms defined in this section shall have the meanings assigned to them.

Subd. 2. "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.

Subd. 3. "District" means any school district.

Subd. 4. "Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.

Subd. 5. "Expulsion" means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.

Subd. 6. "Parent" means (a) one of the pupil's parents, (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.

Subd. 7. "Pupil" means any student:

(1) without a disability under 21 years of age; or

(2) with a disability until September 1 after the child with a disability becomes 22 years of age;

(3) and who remains eligible to attend a public elementary or secondary school.

Subd. 8. "School" means any school defined in section 120A.05, subdivisions 9, 11, 13 and 17.

Subd. 9. "School board" means the governing body of any school district. Subd. 10. "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days. In the case of a student with a disability, the student's individual education plan team must meet immediately but not more than ten school days after the date on which the decision to remove the student from the student's current education placement is made. The individual education plan team, and other qualified personnel, shall at that meeting conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action; and determine the appropriateness of the child's education plan.

The requirements of the individual education plan team meeting apply when:

(1) the parent requests a meeting;

(2) the student is removed from the student's current placement for five or more consecutive days; or

(3) the student's total days of removal from the student's placement during the school year exceed ten cumulative days in a school year. The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension.

Subd. 11. "Alternative educational services" may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02, although in a different setting.

#### **121A.42 Policy**

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

#### **121A.43 Exclusion and Expulsion of Pupils with a Disability**

When a pupil who has an individual education plan is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the pupil's disability, the district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The district shall initiate a review of the pupil's individual education plan and conduct a review of the relationship between the pupil's disability and the behavior subject to disciplinary action and determine the appropriateness of the pupil's education plan before commencing an expulsion or exclusion.

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

(a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

#### **121A.45 Grounds for dismissal**

Subdivision 1. Provision of Alternative Programs. No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

Subd. 2. Grounds for Dismissal. A pupil may be dismissed on any of the following grounds:

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

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

#### **121A.46 Suspension procedures**

Subdivision 1. Informal Administrative Conference Before Suspension. The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.

Subd. 2. Administrator Notifies Pupil of Grounds for Suspension. At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.

Subd. 3. Written Notice of Grounds for Suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of suspension. Service by mail is complete upon mailing.

Subd. 4. Suspension Pending Expulsion or Exclusion Hearing. Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

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

Subdivision 1. Requiring a Hearing; Pupil May Waive Hearing.

No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.

Subd. 2. Written notice. Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:
  - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the department of Education;
  - (2) examine the pupil's records before the hearing;
  - (3) present evidence; and
  - (4) confront and cross-examine witnesses.

Subd. 3. Hearing Schedule. The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.

## **Student Disability Nondiscrimination Policy:**

### **I. PURPOSE**

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

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

A. Disabled students are protected from discrimination on the basis of a disability.

B. It is the responsibility of the school district to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

C. For this policy, a learner who is protected under Section 504 is one who:

- 1. has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
- 2. has a record of such impairment; or

3. is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.
- III. **COORDINATOR**  
Persons who have questions, comments, or complaints should contact the School District's ADA/506 Coordinator regarding grievances or hearing requests regarding disability issues.

## **Student Sex Nondiscrimination (Title IX) Policy:**

- I. **PURPOSE**  
Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.
- II. **GENERAL STATEMENT OF POLICY**
- A. The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B. It is the responsibility of every school district employee to comply with this policy.
- C. The school board hereby designates David R. Vik, Superintendent as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.
- III. **REPORTING GRIEVANCE PROCEDURES**
- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district human rights officer or to the superintendent.
- B. In Each School Building. The building principal is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building principal immediately.
- C. Upon receipt of a report or grievance, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the human rights officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- D. The school board hereby designates David R. Vik, Superintendent as the school district human rights officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- E. The school district shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.
- IV. **INVESTIGATION**
- A. By authority of the school district, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

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

**V. SCHOOL DISTRICT ACTION**

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

**VI. REPRISAL**

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

**VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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

**VIII. DISSEMINATION OF POLICY AND EVALUATION**

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.
- B. The school district shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.