



KELLIHER STAFF HANDBOOK 2021-2022

**Kelliher School: Developing leaders and life-long learners in a
community that promotes rigor, relevance, and respect.**

KELLIHER SCHOOL GUIDE BOOK FOR PERSONNEL

In order to operate any school smoothly and efficiently it is essential to have a certain amount of uniformity in philosophy and practice within the school. To secure this basic uniformity, it is necessary that all personnel have available information in regard to the policies and practices of the school.

This guide consists of specific routines, regulations and schedules. During the school year additional school procedures and policies will be formulated which will become part of the staff guide. Some of the procedures outlined may be changed, but they should be followed until changes are made.

Daily Bell Schedule – Grades 7-12

Power Hour	Hour 1	Hour 2	Hour 3	Hour 4	Hour 5	Hour 6	Hour 7
8:25	8:58	9:48	10:38	11:58	12:48	1:38	2:28
8:55	9:45	10:35	11:25	12:45	1:35	2:25	3:15

ASSEMBLY SUPERVISION/EXPECTATIONS

Assembly programs are official school meetings, and all students and teachers involved should be present. It is the duty of all teachers and staff to help with the supervision of pupils during programs.

1. Students are expected to sit quietly in assigned areas. The Principal or Superintendent will be in the gym to direct classes to their designated areas.
2. Students are expected to be a polite audience. This means: no talking during the program, no booing, whistling or stamping feet, clap appropriately to show appreciation, no kneeling or sitting on backs of chairs.
3. Students are expected to enter and leave the gym in an orderly manner. This means no pushing, shoving, obstructing entrances, etc.
4. Teachers and aides should sit/stand beside their classes to monitor their behavior. Teachers without a class are welcome to join the assembly and help supervise where needed.
5. The classes will be called to the assembly over the PA system. Times and specific classes will be listed in your bulletin.
6. Students are to remain seated at the end of the assembly program and either the Superintendent or Principal will excuse the students.
7. Students who are removed from the program should be aware that they forfeit the privilege of attending the next school activity (I.E. Dance, Assembly Program).

ATTACHMENTS

Attachments are necessary board policies that are included in this handbook along with the Student Handbook.

ATTENDANCE

Attendance is an important factor in school success and all teachers must be very careful in taking attendance in all classes. If you have any information regarding an absence that is out of the ordinary, please inform the office.

BOARD POLICIES

All staff members are expected to follow board policies. These include, but are not limited to: Harassment, Hazing, Discipline, Data Privacy and Personnel. Complete copies of these policies are available in the office.

CALLING THE OFFICE FOR SUBSTITUTE

If you need a sub for your classroom, please use the following procedure:

- If it is a planned absence, please use Time Clock Plus to request your absence to be approved by the Superintendent.
- If you have an absence that was not planned, please remember to enter in the date, time, and reason in to Time Clock Plus.
- If you are sick and need a sub, please call Mary Poxleitner by 7:30 a.m. in the office, or at home in the morning or evening (cell is 218-407-7878 or email).

CELL PHONES

All Kelliher School staff members should set good examples for students when it comes to the proper utilization of cell phones during the school day. Teachers, paraprofessionals, and substitutes should **refrain from texting and speaking on their cell phones for personal reasons during student contact time**. All other staff should refrain from using cell phones for personal reasons while on the clock.

CLASSROOM MANAGEMENT

Every teacher must maintain classroom management if a positive learning situation is to be created. All teachers will follow Positive Behavior Intervention Support protocols for discipline and classroom management. The method for establishing this environment will vary from teacher to teacher. The most successful teacher usually

has a few cardinal principles by which she/he operates. These include fairness to all, impartiality, and consideration for pupil's ideas, respect, and overall firmness. Teachers are asked to communicate with parent/guardian on EACH discipline problem (I.E. note, phone call). If a student is becoming a chronic or severe disciplinary problem the teacher should inform the Dean/Principal and provide dates and summaries of parental contact, and have disciplinary incidents entered into Synergy and results of teacher/student meetings, if any, so that steps may be taken to correct the situation. Steps may include, but are not limited to, disciplinary action according to the Discipline Policy; a meeting with the teacher, parent, student, and administration, referral to the student support team, parents sitting with the student for the day, or involvement of a mental health provider. A teacher that ignores disruptive behavior, or demonstrates continued difficulty in managing the classroom may be required by Administration to engage in effective classroom management training.

CLASS RECORDS

All teachers will be using the Synergy system to keep records. **Grades need to be updated in Synergy by the end of the school day on Thursday each week.**

COURSE OFFERINGS HANDBOOK

Planning for next year will begin this fall. Course offerings for next year should be determined by January 1 and appropriate descriptions for the handbook developed prior to January. 30. Any questions regarding policy should be directed to the Superintendent.

CRISIS SITUATION COMMUNICATION PROTOCOL

In the event of a crisis, either during school hours or during non-school hours, district officials believe it is imperative that parents are aware of the situation. Therefore, in some situations an "All Call Announcement" will be made to home phones, cell phones, text messages, and emails. Depending upon the content and complexity of the All Call Announcement message, parents may be directed to the school website to read a memo or letter with detailed information and instructions regarding the crisis situation. An example of such a situation might be a gas leak occurring after hours. In such a situation, an All Call would go out to parents notifying them of the situation and that school may be delayed or cancelled the following day. In addition, the message may instruct parents to visit the school website for more detailed information about the situation or the investigation behind the event that occurred. This "All-Call-to Website" protocol will be especially utilized in the event of any real or perceived threats to the school or to students and staff when clear communication of complex information is of high importance.

CUSTODIANS

If you have a need for custodial work in your room, notify the Superintendent or Principal. Maintenance Work Orders can be picked up in the office.

DAILY BULLETIN

A daily bulletin will be e-mailed to staff each day by the office at the end of first hour. **Please read these announcements and post in the classroom.** The bulletin will be read to grades 7-12 at the beginning of second hour over the PA.

DISCIPLINE

All staff members are responsible for knowing and helping to enforce the policies established by the Kelliher School Board. By working together, we can provide students with a safe and consistent learning environment. Proactive behaviors are more effective than reactive. Teachers should review the Student Handbook as directed by the administration on the first day of school, as well as the administrative guideline sheet that outlines consequences for specific rule violations. Any student sent to the office for misbehavior needs to have a Discipline Referral form filled out. This form must be completed on-line and emailed to the Dean of Students.

DRESS CODE

Students are encouraged to dress appropriately for school activities and in keeping with community standards.

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

- Clothing appropriate for the weather.
- Clothing that does not create a health or safety hazard.
- Clothing appropriate for the activity (i.e., physical education or the classroom).

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

- “Short shorts,” skimpy tank tops, tops that expose the midriff, and other clothing that is not in keeping with community standards.
- Clothing bearing a message that is lewd, vulgar, or obscene.
- Jackets and coats designed for outside wear.
- Apparel promoting products or activities that is illegal for use by minors.
- Objectionable emblems, badges, symbols, signs, words, objects, or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in school district policy.
- Any apparel or footwear that would damage school property.
- Hats and hoods are not to be worn in the building except with the approval of building administrators (i.e., student undergoing chemotherapy, medical situations).
- Pajamas or sleepwear (Unless designated as part of a theme day.)
- Blankets

If the administration believes a student’s appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. A parent or guardian will be notified.

DUTY FREE LUNCH

Teachers will be scheduled a 30-minute duty free lunch and hourly employees will be allowed up to a 25-minute duty free lunch. A complete noon lunch will be available for students and staff. **An adult lunch is \$4.25 and an adult breakfast is \$2.50.** Staff members are encouraged to eat in the cafeteria with students. Teachers and paras will be assigned to supervise the cafeteria-commons/gym area. **Milk may be purchased on a cash basis for only 25 cents. Staff will need to follow the same policy as students - no one will be allowed to charge over \$25.00 for meals.**

EXPECTATIONS

All staff will receive a PBIS Matrix. Teachers are encouraged to post this Matrix and refer to it throughout the year.

FIELD TRIPS/CLASS TRIPS

In order to keep track and minimize confusion, any teacher who wishes to take a class or group off school property should first have a verbal confirmation that the Superintendent approves of the field trip. After the verbal confirmation, a TRIP FORM from the office must be completed and submitted to the Principal for final approval. This form should be completed at least one month ahead of the scheduled date unless unusual circumstances prevent that much advance notice. **Please note:** If you are taking your class out of the building for any reason (other than if you have filled out a TRIP FORM), **please inform the district office.**

FUND RAISING ACTIVITIES

We must always be aware of the community in selling products during the year. If you wish for a class or group to engage in a fundraiser, stop by the office to pick up a **FUND-RAISING FORM** and place your fund-raising activity on the master calendar in the District office.

GRADING - ALL TEACHERS MUST USE THE FOLLOWING GRADING SCALE

Teachers will assign student grades based on the following grading scale:

A	93-110
A-	90-92.99
B+	87-89.99
B	83-86.99
B-	80-82.99
C+	77-79.99
C	73-76.99
C-	70-72.99
D+	67-69.99
D	63-66.99
D-	60-62.99
F	59.99 & below

Grading Scale for online college classes is as follows:

A-4.5

B-3.5

C-2.5

D-1.5

In all cases, when figuring grades, any percentage with a decimal will be rounded up.

When determining the final semester grade, teachers will weight grades according to the following scale:

Each quarter percentile grade will carry equal weight. For those students not required to take semester tests, each quarter grade will be 50%.

For students required to take semester tests, the 1st quarter grade will be worth 40% the 2nd quarter grade will be 40%, and the semester test will be 20%.

Teachers wishing to deviate from this schedule must seek written approval from the Dean of Students, and notify students of the deviation, in writing, the first day of class.

Teachers will decide the weight of specific components for their class. For example, the percentage weight for tests, homework, daily work and projects to determine the final grade for the quarter. This information will be put in writing and given to students at the start of the class. A copy must also be turned into the office.

HALLS/COMMONS AREA/BATHROOM SUPERVISION/OBLIGATIONS

All staff should help to supervise and correct any inappropriate behavior observed in any area of the building. All staff will be expected to be in the halls before school and at the end of the school to help move traffic. During passing time, teachers should be stationed in their classroom doorway to observe the room and halls. Only students with passes should be in the halls during class hours. It is suggested that no bathroom passes be given the last 10 minutes of any hour unless it is an emergency.

HOMEWORK

Students are expected to complete all homework in a timely manner. Any work missed during an absence will be reported on an absentee slip that a student must pick up after an absence. **Teachers should always ask** for a student's absentee slip when returning to class after an absence. Students have two days to complete makeup work for the first day of absence and one day for each successive day of absence. Failure to do so or to make arrangements otherwise may result in an F being given for the work not completed. Students that skip class will not receive an extension of time to complete missing work.

LOCKDOWN - A.L.I.C.E - Steps do not have to be done in order

When a lockdown "drill" is conducted - It will be clearly stated twice that it is a "drill."

Alert: Descriptive announcement of what and where the threat is *"Attention, there is a tall man in a green coat with a knife threatening students in the lunch room, take measures to protect yourselves"*. No code words; only simple, clear, and accurate information so that it can be used to make life saving decisions. The Alert can also be the sound of gunfire, people screaming, people running, or something out of the normal expected behavior. Whatever it is, do not hesitate to take protective action.

Lockdown: If it is safer to stay in a locked room, do so if you must, but continue to take steps to protect those in the room. Lock the door, if possible, and add a secondary locking device. Barricade the door and other possible entrances (windows) with desks, shelves, furniture, or anything else at hand. Spread out and move around to make a more difficult target inside the room. Monitor the threat and evacuate if the opportunity presents itself. If you are waiting for Law Enforcement to arrive, verify their credentials.

Inform: Pass along any real time information that can help others in the building or responding. Report what you know to 911 or with a cell phone 'alert application'. Do the best you can to report what you know and avoid speculation. Use the 5 W's (Who, What, Where, When, Why). Report significant changes. This step is a continuation of the initial alert.

Counter: If you are confronted by the attacker use distraction techniques. Yell, throw objects at the attacker's face, and continue to move around in order to be a harder target. If possible 'swarm' the attacker; grab the attacker's arms and legs and pile on top to stop the threat.

Evacuation: The most important step is to evacuate. Get away from the threat as soon as possible. It is human nature to flee and 96% of us will do so when confronted with imminent danger. Follow your instincts and leave the area. Establishing locations for everyone to go to, in advance, will help with accountability but make sure they are a safe distance away. Besides exits, windows need to be recognized as good evacuation points. The window glass may have to be smashed out, plan for how to do this in advance.

MAIL BOX

Each staff member is assigned a mailbox in the office and is responsible for emptying the mailbox daily.

MAKE UP WORK/GRADING PROCEDURES

Please refer to the Student Handbook for current policy statements.

MEDICAL ATTENTION FOR STUDENTS

Students must have a teacher pass from class to go to the nurse's office. If the student is too ill or seriously injured, please call the nurse at extension 1108. All medications must be registered with the nurse's office. The nurse will determine if the medication should be left in the nurse's office, or if the student will be allowed to remain in possession of their medication.

MOVIES, VIDEOTAPES, DVD'S

Movie-viewing policy – all staff members must notify administration prior to showing any commercial entertainment movie with a rating of PG-13 or "R". Educators have long known that community standards -- which vary widely around the country -- often dictate what movies teachers, may and may not show in the classroom. In many schools around the nation, parents are informed a few days before the showing of a commercial film rated PG-13 or higher, allowing them a chance to have their child dismissed from the showing. Kelliher School administrators may need time to notify parents or to approve of a movie that a teacher plans to show students must be germane to the topic of the lessons the teacher has been teaching, and the teacher must be able to demonstrate that the movie will support the goals of the lesson plan and the standards the teacher is seeking to teach his or her students.

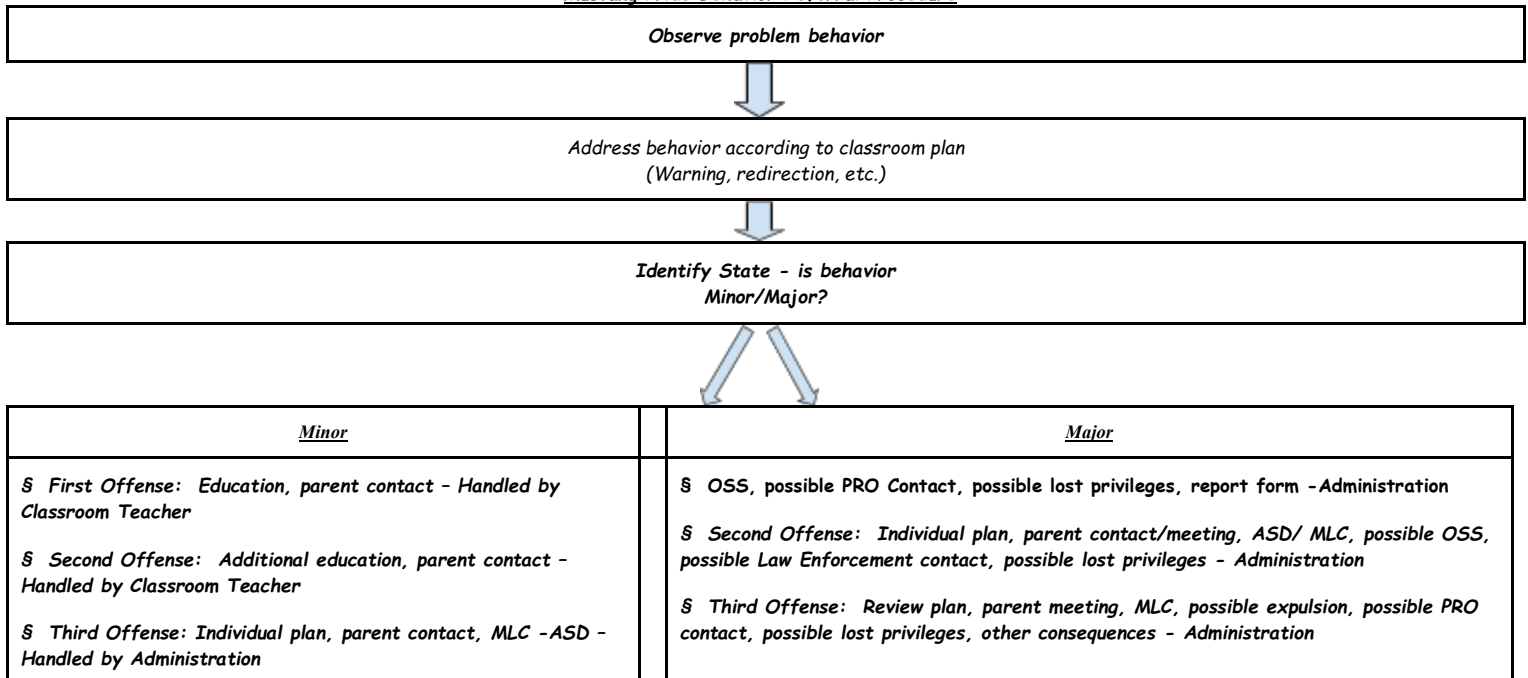
PLEDGE OF ALLEGIANCE

State law requires students recite the Pledge of Allegiance at a minimum of once per week. You will be notified as to what day and time this should be done. Students have the right to refuse to participate but must remain quietly in their seats in the classroom or wait quietly in the hall.

POSITIVE BEHAVIOR INTERVENTION (SW-PBIS)

School and district support for character education and behavioral intervention is very strong and therefore, the district will support implementing SW-PBIS to continue to further achieve the goals of the district **to remove all barriers to education.** The district supports the effort to build its capacity to identify clear behavioral *outcomes* for all staff and students, utilize evidence-based practices to achieve those outcomes, and understand data/information use to support sustainable, safe and positive learning environments.

Mustang Pride Behavior Referral Procedure



<p><i>S Additional Incidents: Review plan, parent meeting, MLC, possible OSS, other consequences - <u>Handled by Administration</u></i></p> <p><i>Defiance/Disrespect</i> <i>Disruption</i> <i>Dress Code Violation</i> <i>Inappropriate Language</i> <i>Lying</i> <i>Non-Compliance</i> <i>Physical Contact</i> <i>Property misuse</i> <i>Tardy</i> <i>Teasing/Taunt</i> <i>Chronic Disruption</i></p>	<p><i>S Additional Incidents: Review plan, parent meeting, MLC, possible OSS, possible expulsion, possible PRO contact, possible lost privileges, other consequences - Administration</i></p> <p><i>Alcohol/Drugs</i> <i>Abusive Language</i> <i>Arson</i> <i>Bomb Threat</i> <i>Bullying - Cyber</i> <i>Bullying - Non-Cyber</i> <i>Cheating</i> <i>Combustibles</i> <i>Fighting/Physical aggression</i> <i>Forgery/Theft</i> <i>Harassment - Non-sexual</i> <i>Harassment - Sexual</i> <i>Tobacco</i></p> <p><i>Tobacco</i> <i>Vandalism/Property Damage</i> <i>Weapons</i> <i>Other</i></p>
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PROGRESS REPORTING

Students' grades will be reported at the end of each quarter during the year. Report cards (end of quarter) and progress reports (mid-quarter) will be mailed to parents/guardians or eligible students and will be available online for review. Online grades and progress reports may be reviewed at any time through the *Parent Experience/Student Experience* portals in Synergy.

All staff K-12 are encouraged to phone, send personal messages, email, or engage in other appropriate communication techniques to inform parents/guardians of the progress of their children.

PURCHASE ORDERS/PURCHASING ITEMS FOR THE SCHOOL

The school uses requisition forms for all purchases. These must be pre-approved by the Superintendent. When purchasing materials, a signed purchase order must be submitted prior to placing an order or buying goods. Purchase orders will not be signed for employee reimbursement after the goods have been secured or received. Sales tax will not be reimbursed. When buying goods, provide the cashier with the school's sales tax number. Remember, you may be asked to present your school identification card. The Superintendent and Business Manager will establish a schedule of purchasing. Do not purchase any item that you may seek reimbursement for unless it has been pre-approved.

RECOGNITION AND PARTIES

Teachers are encouraged to recognize and reward students for their daily accomplishments. This can be done in a variety of ways: verbal praise, positive notes, phone calls, etc. On occasion, a class celebration or party may be appropriate. If you plan a party that interrupts regular instruction, please inform the Superintendent or Principal, and do not interrupt the schedule of other teachers.

REMOVAL OF STUDENTS FROM CLASS

Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. Administration or designee has the right to suspend a student from class.

Grounds for removal from class shall include any of the following:

- Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
- Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
- Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy.

SEMESTER TESTS POLICY – GRADES 7-12

All students in grades 7-12 will be expected to give semester tests at the end of Semester 1 and Semester 2 for each course taught. The content and nature of the test will be up to each teacher but should cover the material presented during the semester.

The term weighting grading percentages will be as follows: 40 percent each quarter and 20 percent for the semester test.

Those students who earn 90 percent or greater during each quarter of the semester will NOT need to take the semester tests. Students not required to take semester tests in any of their classes will be provided with a fun activity or field trip during the semester testing schedule days. Those who only have to take some of their semester tests will be allowed to be in a reward type room during the scheduled times of the tests they do not need to take. Field trips and reward room will be determined prior to semester testing week.

SIGNING IN

Staff members that are hourly employees are required to clock in and out on the time clock.

SIGN OUT

Please notify Mary or Alyssa whenever you will be out of the building for any period of time. This procedure is helpful to the office staff should they need to reach staff during the day.

STAFF MEETINGS

Staff meetings may be K-12 or set up by grade level/academic/or committee level and will be scheduled when the need arises.

STUDENT HANDBOOK

All staff members are asked to read and keep a copy of the Student Handbook handy when dealing with students.

SUBSTITUTE TEACHER

Each staff member will be asked to set up a sub folder and have it available on his/her desk. These folders will be used to provide school and class information for subs working at Kelliher. Please remember to include class lists and/or seating charts, lesson plans and standards.

SUPERVISION

Classes should not be unattended unless arrangements have been made with another teacher or para to supervise the students. In an emergency use the room phone to call the office and someone will come to supervise.

TEAMS/COMMITTEES

There are several teams/committees that continue from year to year. In addition, special teams/committees will be established according to building/district needs. Standing committees include: Student Support Team, Staff Development Committee, Continuing Ed. Committee, Technology Committee, PBIS, Wellness Committee, and Safety Committee.

TEXTBOOKS/WORKBOOKS

All texts and workbooks will be furnished to the pupils without charge. When texts/workbooks are issued, the number of the book should be recorded in the record book. Any unusual wear or tear will be subject to a fine.

THEFT OF PERSONAL/ SCHOOL PROPERTY

Report any theft as soon as possible to the Principal.

TIME SCHEDULE FOR TEACHERS

The basic teacher's day shall be 7 hours and 45 minutes. Teachers will be expected to arrive and be on duty from 7:45 a.m. and remain on duty until 3:30 p.m. The exception will be Mondays as long as Kelliher School participates in an AIW cohort. On Mondays, teachers will be expected to arrive and be on duty from 7:30 a.m. and remain on duty until 3:15 p.m.

VALUABLES

Leave purses, keys, money and other valuables in a locked desk or cabinet. It is advised to keep classrooms locked when not in use.

PLEASE NOTE: This handbook is an ongoing working document. Changes, deletions, and additions can be expected throughout the course of the school year. The administration will always provide adequate notice and explanation for changes, deletions, or additions.

BULLYING PROHIBITION POLICY

Adopted: 8/14/2014 MSBA/MASA Model Policy 514

Orig. 2003

Revised: _____

Rev. 2014

514 BULLYING PROHIBITION POLICY

[Note: School districts are required by statute to have a policy addressing bullying.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyber bullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school

district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may consider the following factors:

1. The developmental ages and maturity levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature of the behavior;
3. Past incidences or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

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

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

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

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

III. DEFINITIONS

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

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
- The term, "bullying," specifically includes cyber bullying as defined in this policy.
- B. "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.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- F. "Prohibited conduct" means bullying or cyber bullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

- G. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. “Student” means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE

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

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

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

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall consider the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (See MSBA/MASA Model Policy 506) and other applicable school district policies; and applicable regulations.

- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

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

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyber bullying; and
 - 5. Internet safety and cyber bullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

- 1. Engage all students in creating a safe and supportive school environment;

2. Partner with parents and other community members to develop and implement prevention and intervention programs;
 3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
 4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
 5. Teach students to advocate for themselves and others;
 6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See MSBA/MASA Model Policy 515) in the student handbook.

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

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

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 124D.10 (Charter School)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References:

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

I.S.D. #36 REPORT OF STUDENT BULLYING

Kelliher School maintains firm policies prohibiting bullying toward students. Use this form to report an incident where you have reasonable grounds to believe a student has violated the policy.

Date of Incident: _____ Time: _____ Location: _____ Bus: _____
Name of person filing complaint: _____ Grade: _____
Name of person allegedly violating the policy: _____ Grade: _____
Witness(es) who saw the incident: _____

1. Describe the incident stating facts clearly. Describe any physical force. Write down any verbal statements as exactly as possible:

(Continue on separate sheet of paper if necessary)

Telephone #: _____ Signature: _____

2. The outcome of the investigation determined that violation of our policy: ___ did ___ did not occur.

3. Discipline Action: (date - action)

_____ education on District Policy & verbal warning

* this education method will not be repeated (progressive discipline)

_____ dismissal for remainder of the day

_____ suspension for ___ days

_____ parents notified ___ phone ___ letter

_____ conference with student

_____ conference with student and parents

_____ meeting with classroom teacher and request that behavior be monitored

_____ referral to ___ social worker ___ counselor

_____ I.E.P. / Special Education meeting scheduled

4. Notes:

Date received: _____ By: _____

Principal

Teacher

Counselor

Other

Principal's Signature (required on all reports)

Send a copy to: **DISTRICT #36 SUPERINTENDENT- Telephone: 647-8286**

INTERNET ACCEPTABLE USE POLICY

MSBA/MASA Model Policy 524 – Adopted 9/14/00

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable use of the internet.

General Statement of Policy

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

Limited Educational Purpose

The school district is providing students and employees with access to the school district's computer system, which includes Internet access. The purpose of the system is not merely to provide students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, professional or career development, and limited high-quality, self-discovery activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited purpose network.

Use of System is a Privilege

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

Unacceptable Uses

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

1. Users will not use the school district system to access, review, upload, download, store, print, post or distribute pornographic, obscene or sexually explicit material.
2. Users will not use the school district system to transmit or receive obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language.
3. Users will not use the school district system to access, review, upload, download, store, print, post, or distribute materials that use language or images that are inappropriate in the educational setting or disruptive to the educational process and will not post information or materials that could cause damage or danger of disruption.
4. Users will not use the school district system to access, review, upload, download, store, print, post, or distribute materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
5. Users will not use the school district system to access, review, upload, download, store, print, or post personal information, contact information, personal web pages or personal websites without permission from the school administration.
6. Users will not use the school district system to knowingly or recklessly post false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
7. Users will not use the school district system to engage in any illegal act or violate any local, state or federal statute or law.
8. Users will not use the school district system to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change the school district system software, hardware or wiring to take any action to violate the school district system's security, and will not use the school district system in such a way as to disrupt the use of the system by other users.
9. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person.
10. Users will not use the school district system to post private information about another person or to post personal contact information about themselves or other persons including, but not limited to, address, telephone numbers, school

- addresses, work addresses, identification numbers, account numbers, access codes or passwords, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
11. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user.
 12. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 13. Users will not use the school district system for the conduct of a business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
 14. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. A user may also in certain rare instances access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher.

Consistency with Other School Policies

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

Limited Expectation of Privacy

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and email files. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minnesota Statutes, Chapter 13 (the Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

Internet Use Agreement

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The internet Use Agreement form must be read and signed by the user, the parent or guardian, and the supervising teacher. The form must then be filed at the school office. As supervising teacher change, the agreement signed by the new teacher shall be attached to the original agreement.

Limitation on School District Liability

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

User Notification

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
 1. Notification that internet use is subject to compliance with school district policies.
 2. Disclaimers limiting the school district's liability relative to:

- a. Information stored on school district diskettes, hard drives or servers.
- b. Information retrieved through school district computers, networks or online resources.
- c. Personal property used to access school district computers, networks or online resources.
- d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
5. Notification that goods and services can be purchased over the internet that could potential result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student or the student's parents.
6. Notification that should the user violate the school district's acceptable use policy, the student's access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.
7. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

Parent Responsibility; Notification of student Internet Use

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 1. A copy of the user notification form provided to the student user.
 2. A description of parent/guardian responsibilities.
 3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
 5. A statement that the school district's acceptable use policy is available for parental review.

Implementation; Policy Review

- A. The school district administration may develop appropriate guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.
- B. The administration shall revise the student and aren't notifications, if necessary, to reflect the adoption these guidelines and procedures.
- C. The School district's Internet Policies and procedures are available for review by all parents, guardians, staff and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

Legal References: 17 U.S.C. 101 et.seq. (Copyrights)

Cross References: MSBA/MASA Model Policy 505 (Distribution of Nonschool Sponsored Materials on school Premises by Students and employees)

MASA/MASA Model Policy 506 (Student Discipline)

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

MSBA/MASA Model Policy 529 (Interviews of Students by Outside Agencies)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522(Student Sex Nondiscrimination)

MSBA/MASA Model Policy 603 (Curriculum Development)

MSBA/MASA Model Policy 604 (Instructional Curriculum)

MSBA/MASA Model Policy 606 (Textbooks and Instructional Material)

MSBA/MASA Model Policy 804 (Bomb Threats)

MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

PROMOTION-RETENTION POLICY

The School Board has adopted a policy to alleviate social promotion in the Kelliher Public School. Therefore, the following guidelines will be followed for retention:

K-2nd students will be retained based on a joint decision of the parents and the teacher based upon the best interest of the child. When a parent denies the recommendation of the teacher for retention, a waiver must be signed and dated by the parents to document this decision.

3rd – 6th grade students who receive 2 Fs at the end of the school year in the core subjects of math and reading, which includes spelling, language arts and vocabulary, will be retained in their current grade. Students earning 1 F in a core subject will be given the chance to attend summer school for further study in that class or repeat the grade. Regular attendance at summer school will be expected. The decision to pass or retain a student after the completion of summer school will be based on grades, attendance, and test scores. Students in danger of failing a core subject will be identified by the end of the first semester and a personalized plan will be developed. This plan will provide a cohesive plan for remediation developed collaboratively by the teacher, student, parents, and the administration.

7th – 8th grade students who receive 1 or 2 Fs at the end of the school year in the core subject areas of math, science, language arts, reading, or social will be considered for retention. If either of the Fs assigned are the result of a percentile grade of 50% or below, retention is automatic. Students earning 1 or 2 Fs (percentile of 50% or above) in core subject areas may be given a possible second chance for promotion through attendance in summer school. 7th – 8th grade students will be required to repeat the entire grade if the student earns 3 Fs in core subject areas at the end of the school year.

9th – 12th grade students failing required classes will be required to repeat those classes. Students may be required to complete one semester or both semesters of a class. Students failing required classes may need to repeat those classes through alternative opportunities.

9th – 12th grade students will attain class standing when a specified number of credits noted have been earned. Administration will consider individual circumstances and evaluate the need to adjust the credit requirements after reviewing extenuating circumstances. Sophomores must have earned 5 credits in their 9th grade year; juniors must have earned 11 credits during their 9th and 10th grade years; seniors must have earned 17 credits during their 9th, 10th and 11th grade year; to graduate a student must earn 24 credits by the completion of their 12th grade year.

The Board has developed a policy for promotion based on reading performance after completion of 3rd grade. A copy of the policy is available in the High School Office.

Summer School

If offered, summer school will be prescriptive and focus on individual needs to meet the curriculum for passing, not just seat time.

WELLNESS POLICY

MSBA/MASA Model Policy 522

Orig. 2005

Adopted: 7-10-06

Revised: 8-14-2014

533 WELLNESS

I. Purpose

The Kelliher Public School district shall strive to make a significant contribution to the general well being, mental and physical capacity and learning ability of each student. We will afford students the opportunity to fully participate in the educational process. The district shall promote a healthy school by supporting wellness, good nutrition and regular physical activity as a part of the total learning environment. The district shall support a healthy environment where children learn and participate in positive dietary and lifestyle practices. By facilitating learning through the support and promotion of good nutrition and physical activity, the school contributes to the basic health status of children. Improved health optimizes student performance and helps ensure that no child is left behind.

II. GENERAL STATEMENT OF POLICY

Healthy eating and physical activity are demonstrably linked to reduced risk for mortality and a reduction in the development of many chronic diseases as adults. To help insure the health and well-being of all students, it is the policy of the Kelliher School Board to support a School-wide Wellness Plan that allows for the provision and teaching of an active school day and healthy eating habits that will become life-long habits for students and staff as follows:

- A. Ensure that all children have access to adequate and healthy food choices on scheduled school days at reasonable prices. All meals or food sold to students at Kelliher School must:
- a. Be a “whole grain-rich” grain product; or
 - b. Have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food; or
 - c. Be a combination food that contains at least $\frac{1}{4}$ cup of fruit and/or vegetable; or
- B. Ensure that food sales/parties for students are held during hours that will not conflict with the lunch and breakfast programs. The district operates under the National School Lunch, National School Breakfast and National After-School Snack program regulations.
- C. Support and promote proper dietary habits contributing to students’ health status and academic performance. All food available on school grounds and at school-sponsored activities during the instructional day should meet or exceed the **district nutritional guidelines**. Emphasis should be placed on foods that are nutrient dense per calorie. Food should be served with consideration toward variety, appeal, taste, safety and packaging to ensure high quality meals. Staff should be encouraged to focus on **the Dietary Guidelines for Americans**.
- D. Provide a comprehensive learning environment for developing and practicing life-long wellness behaviors. The entire school environment, not just the classroom, shall be aligned with healthy school goals to positively influence a student’s understanding, beliefs and habits as they relate to good nutrition and regular physical activity. A healthy school environment should not be dependent on revenue.
- E. Coordinate school food service with this policy to reinforce messages about healthy eating and to ensure that food offered promote good nutrition and contribute to the development of life-long, healthy eating habits. Food service personnel shall adhere to all federal, state and local food safety and security guidelines while making every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-priced school meals.
- F. Regularly evaluate the effectiveness of this policy in promoting healthy eating and change the program as appropriate to increase effectiveness.
- G. 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.
- H. Qualified food service personnel will provide students with access to a variety of affordable, nutritious, and appealing foods that ensure that student access to foods and beverages meet or exceed all federal, state and local laws and guidelines; try to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- I. The Kelliher School District requires that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to the Child Nutrition Act (42 U.S.C. 1771 et seq.) and sections 9(f) (i) and 17 (a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758 (f) (I), 1776(1), as those regulations apply to schools.
- J. The Kelliher School district will provide students access to hand washing or hand sanitizing before they eat meals or snacks.
- K. The Kelliher 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 day.
- L. The Kelliher School District will discourage tutoring, club or organizational meeting or activities during mealtimes, unless students may eat during such activities.
- M. Provide School staff involved in nutrition education and in supporting a healthy school environment with adequate pre-service and ongoing in-service training that focuses on strategies for behavioral change.
- N. Involve family members and the community in supporting and reinforcing nutrition education and the promotion of healthy eating lifestyles.

- O. All students in grades K-12 will have opportunities, support and encouragement to be physically active on a regular basis. The following opportunities for physical activity will be provided for all students:
- Every-day physical education classes lasting 25 minutes for elementary students;
 - Supervised, unstructured recess for 30 minutes prior to lunch;
 - Two 10-minute classroom exercise activity breaks: aerobics, yoga, palates and/or balance routines will be encouraged;
 - Provide opportunities for junior high and high school students to receive more access to the gym in the morning or after school for physical activity;
 - Provide more supervision for the weight room for better accessibility for students before and after school hours and during lunch;
 - Provide structured exercise sessions for students and staff (P90x, Aerobics videos, organized dance, etc.) before and after school;
 - Dental hygiene and personal hygiene information given to the students on a regular basis
- P. Require the Kelliher School Health Committee meet a minimum of twice yearly and report results of said meetings to the board.

III. GUIDELINES

The following nutritional guidelines shall apply to all students:

A. Foods and Beverages

1. **Water Consumption**

Staff should encourage increased consumption of water throughout the day. Staff members should be particularly sensitive to student needs for water during periods of hot weather. The Principal may want to authorize students to carry water bottles during the school day using the suggested water bottle policy shown below. Teachers may need to call for extra water breaks too. Even during periods of moderate temperatures, staff members should remind students of the value of consuming water.

Water sales should be significant option through school vending and concession services. Water should be available during mealtimes, at least through water fountains.

2. **Water Bottles**

Each wing shall determine when students may bring water bottles for use during the school day and establish a policy for whether bottles may be refilled during school time.

- Water bottles must be clear and have secure caps.
- Students may not share water bottles.
- Empty bottles should on a regular basis be recycled (if appropriate), discarded or take home for sanitized reuse.
- Students misusing water bottles shall be subject to disciplinary actions.
- Teachers have discretion in determining classroom use.
- Water bottles may not be used in computer labs, science labs and the school media center.

3. **Fat Content**

Foods from reimbursable meals shall over the course of five days, derive no more than 30 percent of their total for calories from fat and less than 10 percent of their total calories from saturated fats. These recommendations are consistent with federal mandates.

4. **Content from Added Sugars**

No individual item served by food service as a part of a traditional meal, as an ala cart item, or as a snack item may contain more than one third of its weight from added sugar. An exception may be made periodically for a traditional meal treat.

5. **Milk Products**

Milk shall be promoted during all meals. **Milk shall be available to students who bring sack lunches. Only unflavored milk shall be served during the school breakfast program. Both flavored and unflavored milk shall be made available during the school lunch program. No products shall be served which derive more than one-third of their weight from added sugars. Low-fat (one percent) and non-fat (Skim) forms of milk shall be**

featured in single serving sizes whenever possible. Whole milk or lactose free milk shall be available when medically indicated.

6. Juice-Based Drinks

Pure juice may be available as an additional beverage during the school breakfast time.

Other juice-based drinks without added sugars (e.g., juice diluted with water or flavored waters) may be served. No sweetener-based “Juice drinks” or sport drinks which derive more than one-third of their weight from added sugars shall be served at mealtimes.

In all cases, single-serving sizes shall be featured.

Children who bring sack lunches from home are encouraged to bring 100 percent juice or water with them instead of consuming heavily sweetened “juice drinks” and sport drinks.

7. Soda and Energy Drinks

Soda pop and energy drinks shall NOT be allowed during the school day including students bringing lunches or snacks or storing such drinks in lockers for later use.

8. Caffeine and Additives

Products containing caffeine shall not be available during mealtimes. An exception shall be made for chocolate.

The food service shall be sensitive to the presence of dyes, sulfites, MSG and other additives to food by limiting their use whenever possible or finding alternative products that have fewer additives. The food service shall follow federal guidelines regarding sodium content in all food.

9. Food and Beverages Offered to Students at Food Functions

Kelliher School may sell the following beverages:

- Plain water (with or without carbonation)
- Unflavored low-fat milk
- Unflavored or flavored fat free milk and milk alternatives permitted by NSLP/SBP
- 100% fruit or vegetable juice and
- 100% fruit or vegetable juice diluted with water (with or without carbonation), and no added sweeteners.

Kelliher Elementary school may sell up to 8-ounce portions to its students, while Kelliher High School (grades 7-12) may sell up to 12-ounce portions of milk and juice to its students. There is no portion size limit for plain water.

The district encourages the use of nutrient dense foods for all school functions and activities. Nutrient dense foods are those foods that provide students with calories rich in the nutrient content needed to be healthy. At any school functions (e.g., parties, celebrations, feasts, sporting events) healthy food choice options should be available. Some suggested foods are listed below:

- Raw vegetables sticks/slices with low –fat dressing or yogurt dip
- Fresh fruit and 100 percent fruit juices
- Frozen fruit juice pops
- Dried fruits (e.g., raisins, banana chips)
- Trail mix
- Dry roasted peanuts, tree nuts and soy nuts (not coconut or palm nuts)
- Low-fat meats and cheese sandwiches (use low-fat mayonnaise in chicken/tuna salads)
- Party mix (variety of cereals, nuts, pretzels, etc.)
- Low-sodium crackers
- Baked Corn chips and fat-free potato chips with salsa and low-fat dips (e.g., ranch, French, onion, bean)
- Multi-grain granola bars
- Angel food and sponge cakes
- Flavored yogurt and fruit parfaits
- Jell-O and low-fat pudding cups
- Frozen yogurts and sherbets

- Low-fat and skim milk products
- Pure ice-cold water

10. **Fund-Raising Activities and Concessions**

To create a school environment that supports the promotion of healthy food and beverage choices for children, it is important to consider all venues where food and beverages are consumed or sold.

Any fund-raising requires administration approval. The following recommendations are made to promote healthy choices for children related to fund-raising activities supported by the school:

- Offer only non-food items as the items that raise funds such as books, gift wrap, candles, plants, flowers and school promotional items.
- Whenever food and beverages are sold that raise funds for the school include at least some healthy food choices.

Organizations operating concessions at school functions should include at least some healthy food choices in their offerings. It is recommended that groups market these healthy options at a lower profit margin to encourage selection by students.

- Food items that meet nutrition requirements are not limited.
- The standards do not apply during non-school hours, on weekends and at off-campus fundraising events.

11. **Learning Incentives**

The use of foods of minimal nutritional value as learning incentives should be kept to minimum and healthy food choices or non-food items should be substituted.

Foods of minimal nutritional value as defined by the U.S. Food and Drug Administration (**USDA**) include:

- Soda Water – any carbonated beverage (even water). No product shall be excluded from this definition because it contains discrete nutrients added to the food such as vitamins, minerals and protein.
- Water Ices – any frozen, sweetened water such as “...sicles” and flavored ice with the exception of products that contain fruit or fruit juice.
- Chewing Gum – any flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.
- Certain Candies – any processed food made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients.
- Hard Candy – a product made predominately from sugar (sucrose) and corn syrup that may be flavored and colored, is characterized by a hard, brittle texture and includes such items as sour balls, lollipops, fruit balls, candy sticks, starlight mints, after dinner mints, jaw breakers, sugar wafers, rock candy, cinnamon candies, breath mints and cough drops.

COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS

MSBA/MASA Model Policy 103 – Adopted 4-13-00

I. Purpose

The school district takes seriously all concerns or complaints by students, employees, parents or other individuals. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

II. General Statement of Policy

- A. Students, parents, employees or other individuals, may report concerns or complaints to the school district. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the Principal/administrative assistant of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. An individual may file a complaint at any level of the school

district; i.e., Principal, superintendent or school board. However, individuals are encouraged to file a complaint at the building level when appropriate. If the complaint is against the superintendent, it should be filed with the board chairman or clerk.

- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the superintendent who shall determine whether an internal or external investigation should be provided. In either case, the superintendents shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken. The superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch 13 (Minnesota Government Data Practices Act) or other law.

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Legal References:

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

Cross References:

MSBA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Privacy Considerations)

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

MSBA Model Policy 413 (Harassment and Violence)

MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records-Privacy-Access to Data)

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EQUAL EDUCATIONAL OPPORTUNITY

MSBA/MASA Model Policy 102 – Adopted 4-13-00

I. Purpose

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

II. General Statement of Policy

- A. It is the school district's policy to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The school district also makes reasonable accommodations for disabled students.
- B. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. It is the responsibility of every school district employee to comply with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the superintendent.

Legal References:

Minn. Stat. Ch. 363 (Minnesota Human Rights Act)

Minn. Stat. 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy) 42 U.S.C. 12101 et seq. (Americans with disabilities Act) 20 U.S.C. 1681 et seq. (Titles IX of the Education Amendments of 1972)

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Cross References:

MABA/MASA Model Policy 402 (Disability Nondiscrimination)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)

MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

HAZING POLICY

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

General Statement:

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

Definitions:

- A. Hazing means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance which 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.

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 that might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct, which may constitute hazing, shall inform the building Principal immediately.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades or work assignments.

School District Action:

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

Reprisal:

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

TOBACCO-FREE ENVIRONMENT

MSBA/MASA Model Policy 419 – Adopted 4-25-00

I. Purpose

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

II. General Statement of Policy

- A. It shall be a violation of this policy for any student, teacher, administrator, and other school personnel of the school district or person to use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases rents, contracts for or controls. This prohibition includes all school district property and all off-campus school district-sponsored events.
- B. It shall be a violation of this policy for any elementary school, middle school, or secondary school student to possess any type of tobacco or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. This prohibition includes all school district property and all off-campus school district-sponsored events.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

III. Tobacco and Tobacco Related Devices Defined

- A. “Tobacco” means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- B. “Tobacco-related devices” means cigarette papers or pipes for smoking.

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- C. “Smoking” includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

IV. Exception

It shall not be a violation of this policy for an Indian adult to light tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.

V. Enforcement

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota clean Indoor Air Act and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

VI. Dissemination of Policy

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

Legal References:

Minn. Stat. 144.413 Subd. 4 (Definitions)
Minn. Stat. 144.4165 (Tobacco Products Prohibited in Public Schools)
Minn. Stat. 144.417 (Commissioner of Health, Enforcement, Penalties)
Minn. Stat. 609.685, Subd. 1(a) and (b) (Sale of Tobacco to Children)
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Cross References:

MSBA/MASA Model Policy 403 (Discipline, suspension and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA Service Manual, Chapter 6, District Education Program (A-11: Student Suspension, Exclusion and Expulsion) (A-12: Student Removal from Class and Adoption of Local Discipline Policies)
MSBA Service Manual, Chapter 7, School Facilities, (V: Tobacco Products Prohibited in Public Schools)

KELLIHER PUBLIC SCHOOL – PROCEDURES FOR COMPLAINTS

In accordance with District Policy 103, complaints by students, employees, parents or other individuals are taken seriously. Complaints may be made orally or in writing. The following procedure will be followed:

1. Personally, contact the person directly involved.
2. If you are unable to resolve the problem by contacting the person directly involved, contact the Principal or supervisor. Present the complaint in written form. The Principal or supervisor will make a written report within 5 school days.
3. If you feel the problem has not been resolved, you may appeal the report to the superintendent of schools within 5 days or receipt from the Principal or supervisor. The superintendent will set a time to meet within 10 days of the receipt of the request. Within 5 days after the meeting, the superintendent shall issue a decision in writing.
4. If you feel the problem still has not been resolved, you may appeal to the School Board within 5 days of the receipt of the decision in step 3. The school board shall set a time to hear the appeal within 10 days. The school board may designate a committee or representative(s) of the board to hear the appeal and report to the full board. The school board will render its decision within 10 days after the meeting. Failure to file any appeal within the time periods provided will constitute a waiver of the complaint.

COMPLAINT FORM

Nature or the Complaint (Be specific)

Date this happened:

Witnesses:

Signature:

Date:

Received by:

Action taken:

INDEPENDENT SCHOOL DISTRICT #36
RELIGIOUS, RACIAL OR SEXUAL HARASSMENT AND VIOLENCE REPORT FORM

General statement of policy prohibiting religious, racial or sexual harassment:

Independent School District #36 maintains a firm policy prohibiting all forms of discrimination. Religious, racial or sexual harassment or violence against students or employees is discrimination. All persons are to be treated with respect and dignity. Sexual violence, sexual advances or other forms of religious, racial or sexual harassment by any pupil, teacher, administrator or other school personnel, which creates an intimidating, hostile or offensive environment, will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Circle as appropriate: Sexual / Racial / Religious

Name of person you believe harassed or was violent toward you or another person:

If the alleged harassment or violence was toward another person, identify that person:

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

Where and when did the incident(s) occur?

List any witnesses that were present: _____

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

(Complainant Signature)

(Date)

(Received By)

(Date)

506 STUDENT DISCIPLINE

[Note: School districts are required by statute to have a policy addressing these issues.]

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

III. AREAS OF RESPONSIBILITY

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
- F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. STUDENT RIGHTS

All students have the right to an education and the right to learn.

V. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Violation of the school district's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Violation of the school district's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco or tobacco paraphernalia;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of the school district's Internet Acceptable Use and Safety Policy;
22. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of the school district's Bullying Prohibition Policy;
30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;

34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful language toward teachers or other school district personnel;
36. Violation of the school district's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating, or that degrades other people;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;
44. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
45. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or

- U. Other disciplinary action as deemed appropriate by the school district.

VIII. REMOVAL OF STUDENTS FROM CLASS

- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

- B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

[Note: The following Sections C. - K. must be developed and inserted by each school district based upon individual district practices, procedures, and preferences.]

C. *Procedures for Removal of a Student from a Class.*

1. *Specify procedures to be followed by a teacher, administrator or other school district employee to remove a student from a class;*
2. *Specify required approvals necessary;*
3. *Specify paperwork and reporting procedures.*

D. *Responsibility for and Custody of a Student Removed from Class.*

1. *Designation of where student is to go when removed;*
2. *Designation of how student is to get to designated destination;*
3. *Whether student must be accompanied;*
4. *Statement of what student is to do when and while removed;*
5. *Designation of who has control over and responsibility for student after removal from class.*

E. *Procedures for Return of a Student to a Class from Which the Student Was Removed.*

1. *Specification of procedures;*
2. *Actions or approvals required such as notes, conferences, readmission plans.*

F. Procedures for Notification.

1. *Specify procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting disciplinary action;*
2. *Actions or approvals required, such as notes, conferences, readmission plans.*

G. Disabled Students; Special Provisions.

1. *Procedures for consideration of whether there is a need for further assessment;*
2. *Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP) of a disabled student who is removed from class or disciplined; and*
3. *Any procedures determined appropriate for referring students in need of special education services to those services.*

H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.

1. *Establishment of a chemical abuse preassessment team pursuant to Minn. Stat. § 121A.26;*
2. *Establishment of a school and community advisory team to address chemical abuse problems in the district pursuant to Minn. Stat. § 121A.27; and*
3. *Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minn. Stat. § 121A.29.*

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.

J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.

IX. DISMISSAL

- A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;
2. 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
3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The

- purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration 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. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
 4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
 5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. 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 assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
 6. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student 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. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
 7. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
 - a. strongly encourages a parent or guardian of the student to attend school with the student for one day;
 - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
 - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
 8. 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 the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
 9. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
 10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
 11. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. “Expulsion” means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. “Exclusion” means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district’s intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student’s own choosing, including legal counsel at the hearing; (2) examine the student’s records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district shall advise the student’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 Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student’s own choosing, including legal counsel, at the student’s sole expense. The school district shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student’s records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer’s findings and recommendation 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 (Commissioner) of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student 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. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

X. ADMISSION OR READMISSION PLAN

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

XI. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within thirty (30) days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

XII. STUDENT DISCIPLINE RECORDS

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

XIII. DISABLED STUDENTS

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

XIV. OPEN ENROLLED STUDENTS

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XV. DISTRIBUTION OF POLICY

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's office.

XVI. REVIEW OF POLICY

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School Preassessment Teams)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.582 (Reasonable Force)
Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
Minn. Stat. § 122A.42 (General Control of Schools)
Minn. Stat. § 123A.05 (Area Learning Center Organization)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
Minn. Stat. Ch.125A (Students With Disabilities)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Court Act)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References: MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
MSBA/MASA Model Policy 610 (Field Trips)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)