



# CANNON VALLEY Special Education Cooperative

Cannon Valley Special Education Cooperative

Student Handbook

2022 - 2023

200 Western Ave NW, Suite A  
Faribault, MN 55021  
(507) 209-2030  
FAX: (507) 209-1802  
[www.cannonvalleyspecialed.org](http://www.cannonvalleyspecialed.org)

# **Cooperative Administration**

Sarah McGuire, Executive Director  
Ryan Korolewski, ALEX Coordinator  
Shari Qual, STEP/SUN Coordinator

## **Member District Administration**

### Faribault

Jamie Bente – Superintendent  
Rob Dehnert – Special Services Director

### Medford

Mark Ristau – Superintendent  
Geoff Wagner – Special Services Director

### Northfield

Matt Hillmann – Superintendent  
Cheryl Hall – Special Services Director

### Owatonna

Jeff Elstad – Superintendent  
Danielle Theis – Special Services Director

The Cannon Valley Special Education Cooperative School Board meets on the fourth Tuesday of each month. All meetings are located at the District Office located at 200 Western Ave NW, Faribault. The Board meeting begins at 4:45 p.m. unless otherwise noted.

All agendas and notes can be found on the District Website:  
[www.cannonvalleyspecial.ed.org](http://www.cannonvalleyspecial.ed.org)

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## **Introduction**

Welcome to The Cannon Valley Special Education Cooperative!

Thank you for your trust.

Our Mission: Providing all students with the opportunities necessary to be successful in their home, school, and community in a safe and nurturing environment.

The Cannon Valley Special Education Cooperative (CVSEC) offers three programs between four local school districts: Faribault Public Schools, Medford Public Schools, Northfield Public Schools, and Owatonna Public Schools. All students attending these programs have an Individualized Education Plan (IEP) and have been placed in the programs by the IEP team of the member district.

**Alexander Learning Academy (K-12):** A specialized school program for students with intense social, emotional, and/or behavioral needs.

**SUN, Students with Unique Needs (K-21):** A specialized school program for students requiring a highly structured and individualized program for students with a variety of disabilities exhibiting significant needs in self-regulation, communication, behavior, and academic needs.

**STEP, Secondary Transition Education Program (18-21):** This individualized program is designed for students ages 18- 21 who have a current IEP which demonstrates significant transition needs. The focus of the STEP Program is to prepare students to live as independently as possible after their high school experience.

## **Handbook Description**

The Cannon Valley Special Education Cooperative Handbook provides information to families in our programs: ALEX, SUN, and STEP. All programs follow the Cooperative Policies and Procedures. This handbook may not contain all Cooperative Policies and Procedures. Additional information can be obtained by viewing the Cooperative Policies on the website: [www.cannonvalleyspecial.ed.org](http://www.cannonvalleyspecial.ed.org).

***The Handbook is organized into these areas:***

- 1) Information***
- 2) Academics***
- 3) Rules and Discipline***
- 4) Health and Safety***

## **Policy Information**

All programs follow The Cooperative Policies and Procedures. This handbook may not contain all Cooperative Policies and Procedures. Additional information can be obtained by viewing the Cooperative Policies on the website: [www.cannonvalleyspecial.ed.org](http://www.cannonvalleyspecial.ed.org).

Hours for Cooperative Building:

Office Hours for all programs: 7:30am – 4:00pm Monday through Friday

School building hours for students is 8:30am – 3:15pm Monday through Friday.

Students should not be in the building prior to 8:20am unless they have an appointment to see a teacher or inclement weather necessitates their early entrance into the building.

### **Staff Directory and Contact Information**

Alexander Learning Academy (ALEX)  
200 Western Ave NW, Ste A  
Faribault, MN 55021 (507) 209-2030

Mandi Tweet, Administrative Assistant  
Ryan Korolewski, Coordinator

SUN (Students with Unique Needs)  
200 Western Ave NW, Ste A  
Faribault, MN 55021 (507) 209-2030

Mandi Tweet, Administrative Assistant  
Shari Qual, Coordinator

STEP (Secondary Transition Education Program)  
200 Western Ave NW, Ste A  
Faribault, MN 55021 (507) 209-2030

Mandi Tweet, Administrative Assistant  
Shari Qual, Coordinator

CVSEC Cooperative Office  
200 Western Ave NW, Ste A  
Faribault, MN 55021 (507) 209-2030

Cori Weems, Executive Assistant  
Kim Washa, Business Coordinator  
Sarah McGuire, Executive Director

## **PART I – INFORMATION**

### **Arrival and Dismissal Hours**

School building hours for students is 8:30am – 3:15pm Monday through Friday.

Students should not be in the building prior to 8:20am unless they have an appointment to see a teacher or inclement weather necessitates their early entrance into the building.

### **Calendar**

The school calendar is adopted annually by the Cooperative Board. A copy of the Cooperative calendar can be found in the appendix of this handbook and on the Cooperative's website at [www.cannonvalleyspecialled.org](http://www.cannonvalleyspecialled.org).

### **Class Assignments**

Classroom assignments are within the Cooperative's discretion.

### **Complaints**

Students, parents/guardians, employees, or other persons may report concerns or complaints to the Cooperative office. Complaints may be either written or oral. People are encouraged, but not required, to file a written complaint at the program level where appropriate. The appropriate administrator will respond in writing to the complaining party regarding the Cooperative's response to the complaint.

### **Eighteen-Year-Old Students**

The age of majority for most purposes in Minnesota is 18 years of age. All students, regardless of age, are governed by the rules for students provided in Cooperative policy and this handbook.

### **Employment Background Checks**

The Cooperative will seek criminal history background checks for all applicants who receive an offer of employment with the Cooperative.

### **Gifts to Employees**

Employees are not allowed to solicit, accept, or receive a gift from a student, parent, or other individual or organization of greater than nominal value. Parents/guardians and students are encouraged to write letters and notes of appreciation or to give small tokens of gratitude.

### **Graduation Ceremony**

Student participation in the graduation ceremony is a privilege, not a right. Students who have completed the requirements for graduation are allowed to participate in graduation exercises, unless participation is denied for appropriate reasons, which may include discipline. Graduation exercises are under the control and direction of the Executive Director.

### **Interviews of Students by Outside Agencies**



Students may not be interviewed during the school day by persons other than a student's parents/guardians or Cooperative officials, employees, and/or agents, except as provided by law and/or school policy.

## **Lunch**

Lunch is to be eaten in designated areas only. Lunch times vary by classroom. Students may purchase lunch at school or bring a prepared lunch from home.

Meals for The Cannon Valley Special Education Cooperative are contracted through Faribault Public Schools.

Faribault Public Schools participate annually in the National School Breakfast and School Lunch Programs. These programs make available a nutritious breakfast and lunch meal daily for a reasonable cost. Menus are planned using the USDA Menu Planning guidelines. Menus will be sent home with students each month and posted. If students bring food or beverages from home, we encourage all families to select nutritious choices.

The Faribault Public Schools Child Nutrition Department may honor dietary restrictions due to allergies or intolerances with the proper documentation from a medical authority on file. A suitable alternative will be provided when possible. For students with a lactose intolerance, a lactose reduced milk product will be provided at no extra charge on the written request of the parent or physician. Forms for allergies and any special dietary needs are available from the Cooperative Nurse.

## **Free and Reduced Meals**

Free or reduced meals are available for children who qualify. An educational benefits form must be completed each school year and submitted to the Faribault Public Schools Child Nutrition Office for review and approval. Applications for free or reduced meals are mailed out to each household. The Faribault District Child Nutrition Office will process applications as soon as possible, however, it may take 7-10 days for an application to be reviewed and a response sent to the parents/guardians. Benefits from the previous school year will be carried over until October 15 each year. Applications may be completed at any time throughout the year; however, any family that has not reapplied by October 15 each year will be changed to full priced meals. Families receiving MFIP, Food Stamps, or FDPIR and enrolled in the District by June 15 for the following year will be directly certified by the State of Minnesota to receive free meals and may not need to complete an application.

## **Payments**

Payment Systems are set up through the Faribault Public School District. Cannon Valleys Special Education District students will register through Faribault Food Service. Families may pay for meals by using checks or the district's online payment system.

Payments may be made at any time and sent to either Faribault Public Schools or CVSEC. Checks should be made out to Faribault Public Schools and must include the student's first and last name and personal identification number (PIN). Credit card payments can be made through Faribault Public Schools.

## **Messages to Students**

Office telephones are not for students' personal use. Students will not be called out of class to receive phone messages except in the event of an emergency. Personal cell phone use during the instructional day is prohibited.

## **Nondiscrimination**

The Cooperative is committed to inclusive education and providing an equal educational opportunity for all students. The Cooperative does not discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age in its programs and activities. The school board has

designated Sarah McGuire, Executive Director, as the district's human rights officer to handle inquiries regarding nondiscrimination.

### **Parent and Teacher Conferences/Open Houses**

Parent and teacher conferences/open houses will be held three times per year and are designated on the Cooperative calendar.

### **Pledge of Allegiance**

Students will recite the Pledge of Allegiance to the flag of the United States of America weekly. Any person who does not wish to participate in reciting the Pledge of Allegiance for any personal reason may elect not to do so. Students must respect another person's right to make that choice. Students will also receive instruction in the proper etiquette toward, correct display of, and respect for the flag.

### **School Closing Procedures**

School may be cancelled when the Executive Director believes severe weather or other circumstances threaten the safety of students and employees. The Executive Director will decide as early in the day as possible about closing the Cooperative.

The following procedures will be observed when school is closed due to weather. The Cooperative will follow school closure decisions for all member districts.

When school is not in session, a decision to close schools will be made the night before, if possible, but not later than 7:00am.

When the weather is too severe to open school at the normally scheduled time, but is improving, a decision to have a late start may be made. In this case, school will be delayed for two hours. Bus pick-up and school opening times will be exactly two hours later than normal.

When school is in session and the decision is made to close schools, dismissal times will be set to coincide with the anticipated arrival of buses.

In each instance, families will be notified by email, text and/or a phone call from the Cooperative's automated communication system.

It is necessary for us to know where students should be sent in the event school would be closed during the school day. It is essential that the emergency information is updated each year.

### **Searches**

In the interest of student safety and to ensure that schools are drug free, Cooperative authorities may conduct searches. Students violate school policy when they carry contraband on their person or in their personal possessions or store contraband in desks, lockers, or vehicles parked on school property. "Contraband" means any unauthorized item, the possession of which is prohibited by Cooperative policy and/or law. If a search yields contraband, school officials will seize the item(s) and, when appropriate, give the item(s) to legal officials for ultimate disposition. Students found to be in violation of this policy are subject to discipline in accordance with the Cooperative's "Student Discipline" policy, which may include suspension, exclusion, expulsion, and, when appropriate, the student may be referred to legal officials.

### **Lockers and Personal Possessions within a Locker**

Under Minnesota law, school lockers are school property. At no time does the Cooperative relinquish its exclusive control of lockers provided for students' convenience. School officials may inspect the interior of lockers for any reason at any time, without notice, without student consent, and without a search warrant.

Students' personal possessions within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials will provide notice of the search to students whose lockers were searched, unless disclosure would impede an ongoing investigation by police or school officials.

### **Desks**

School desks are Cooperative property. At no time does the Cooperative relinquish its exclusive control of desks provided for students' convenience. School officials may inspect the interior of desks for any reason at any time, without notice, without student consent, and without a search warrant.

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

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

### **Vehicles on Campus**

#### **Patrols and Inspections**

School officials may conduct routine patrols parking lots and other and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

#### **Search of the Interior of a Student's Motor Vehicle**

The interior of a student's motor vehicle, including the glove and trunk compartments, in the Cooperative's location may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to loss privileges and to discipline if the student refuses to open a locked motor vehicle or its compartments under the student's control upon a school official's request.

### **Student Publications and Materials**

The Cooperative's policy is to protect students' free speech rights while, at the same time, preserving the district's obligation to provide a learning environment that is free of disruption. All school publications are under the supervision of the program Coordinators. Non-school-sponsored publications may not be distributed without prior approval.

### **Student Records**

Student records are classified as public, private, or confidential. State and federal laws protect student records from unauthorized inspection or use and provide parents/guardians and eligible students with certain rights. For the purposes of student records, an "eligible" student is one who is 18 or older or who is enrolled in an institution of post-secondary education. For more information on the rights of parents/guardians and eligible students regarding student records, see "Student Records" (*Appendix 2*).

A complete copy of the school district's "Protection and Privacy of Pupil Records" policy may be obtained at [www.cannonvalleyspecial.ed.org](http://www.cannonvalleyspecial.ed.org).

## **Transportation of Public School Students**

Transportation is an essential part of the Cooperative's services to students and parents. Transportation is provided to students by the student's home district. Students are transported from the child's home or daycare to school and back.

School provided transportation is an extension of the school day. Students must adhere to the Cooperative and school policies.

### **Bus Safety**

All students are required to complete bus safety training at the beginning of every school year. Parents should review the following bus safety rules with their children. This list is not exhaustive and each school district transporting your child may have additional rules that your child is responsible for following.

When crossing the road to get on or off the bus, students must wait until the bus has stopped, the stop arm is out with red lights flashing, and the driver has indicated to the student to cross. Students must cross in front of the bus only; never behind the bus. Students should follow the directions of the driver.

- Students are to remain seated while the bus is in motion. Share the seat with others. Keep arms, legs and belongings to yourself.
- Students will not be allowed to extend any part of their body or place objects outside the windows. Windows may be open halfway only, with permission of the driver.
- Students should talk quietly and act courteously at the bus stop and on the bus no swearing, fighting, teasing, harassing, or horseplay. Be respectful of property at the bus stop.
- Students must not throw any objects inside the bus or out of the bus
- No eating on the bus. No beverages other than water on the bus. Use of tobacco, drugs, alcohol, lighters, matches, or vaping products on the bus or at bus stop is prohibited.
  - No weapons or hazardous objects on the bus.
  - No animals, insects, or pets on the bus or at the bus stop.
  - Students must not damage the bus or tamper with emergency exit devices.
  - Students should help keep their bus clean and safe.

### **Routes**

Bus routes and times are determined by the bus company providing the transportation in coordination with scheduled school start and stop times. Routes are planned for safe and efficient use of school buses. Generally, school buses will not travel down dead-end roads or cul-de-sacs due to resulting added ride times and turn around issues. However, there may be some things that cannot be anticipated and routes may need to be adjusted after the school

year begins. Parents will be advised of any significant changes by the bus company providing the transportation.

### **Pick Up and Drop Off Locations**

School bus service is between home and school. Students must ride to and from school on the bus to which they have been assigned. Students are assigned to one pick up location and one drop off location. A student's day care facility may be regarded as their home residence for the purpose of transportation, but the request must be consistent every day. A student's day care facility must be located in the same attendance area as the student's home school. Although this policy is not always convenient for parents, it is the safest for students. If a child lives at two different addresses due to shared custody arrangements, please contact your home district bus company to make arrangements.

### **Bus Behavior Incident Reports**

If a student is involved in a behavioral incident on a school bus or at a school bus stop or transfer point, a bus incident report form is issued by a driver, the bus company safety director, or school employee. The purpose is to provide communication to parents regarding the incident. A copy goes to the student's program Coordinator, and corrective action may be initiated by the Cooperative in coordination with the student's resident school district. When a student receives a bus incident report, the parent/guardian must sign the form and the student must present the signed form to the bus driver when boarding in the morning on the following day, or the next time the student rides the bus, whichever comes first. If a child is suspended from the bus, parents will be notified by school district administration to determine alternative plans.

### **Damage to the Bus**

Students and parents/guardians shall repay the bus owners for damages due to vandalism of school buses. The home school district retains the right to report damages greater than \$50 to police.

Questions regarding transportation should be directed to:

Faribault Transportation: 507-334-5121  
Medford Bus Garage: 507-456-6876  
Benjamin Bus, Northfield: 507-645-5720  
Owatonna Transportation Company: 507-451-5262

## **Video and Audio Recording**

### **School Buses**

All school buses used by the school district may be equipped for the placement and operation of a video camera. The home school district will post a notice in a conspicuous location informing students that their conversations or actions may be recorded. The school may use a video recording of the actions of student passengers as evidence in any disciplinary action arising from the students' misconduct on the bus.

### **Places Other Than Buses**

The Cooperative building and grounds may be equipped with video cameras. Video surveillance may occur in any program or on any Cooperative property. Video surveillance of locker rooms or bathrooms will only be utilized in extreme situations, with extraordinary controls, and only as expressly approved by the Executive Director.



## **PART II – ACADEMICS**

### **Cheating and Plagiarism**

Cheating and plagiarism are prohibited. Students who cheat or commit plagiarism on any test or assignment will be given a failing grade for that test or assignment and will be disciplined in accordance with the school district's "Student Discipline" policy (Appendix 2).

### **Extended School Year Opportunities**

The Cooperative provides extended school year opportunities to a student who is the subject of an Individualized Education Program (IEP) if the student's IEP team determines the services are necessary during a break in instruction in order to provide a free and appropriate public education. For more information on extended school year opportunities for students with an IEP, contact the student's Coordinator.

### **Field Trips**

Field trips may be offered to supplement student learning in which students voluntarily participate. Students will not be required to pay for instructional trips that take place during the school day, relate directly to a course of study, and require student participation.

### **Grades**

Students' grades along with IEP Progress Reports will be reported after each quarter during the year. Report cards and IEP Progress Reports will be mailed home for review. Parents/caregivers can request an IEP meeting at any time to discuss student progress.

### **Graduation Requirements**

Students who graduate from a Cooperative program will receive a diploma from their home district. Students must meet all course credit requirements and graduation standards, as established by the state and their home district school board in order to graduate from their home district. Students must successfully complete the minimum number of credits as established by the student's home school district or IEP team.

### **Homework**

Homework assignments are made by the teachers. The amount of homework varies by teacher and subject area. The Cooperative asks parents/guardians to encourage their student to complete homework thoroughly and promptly.

## **PART III — RULES AND DISCIPLINE**

### **Attendance**

Regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability.

Learning experiences, which take place in the classroom, are an essential part of the education process. Regular attendance is directly correlated to successful academic achievement. Consistent school attendance is one means by which the student develops. For these reasons, student absence from school should be limited to those instances in which absences are genuinely unavoidable or in the best educational interest of the student. Students, parents or guardians, and the school, share an obligation to ensure the student's continuous attendance. This philosophy is reflected and implemented in the attendance policy of the Cooperative.

#### **Student Absences and Tardiness Excused Absence**

An excused absence is a request by a parent or guardian for the student to be absent from school. In order to have the student excused, the parent or guardian must contact the school in person, via email or by telephone by 9:00 a.m. If that is not possible, a call within 48 hours of the day of absence will be accepted. An absence that has not been excused by the above stated time will result in an unexcused absence. Absences include leaving school or arriving late for school (with parent or guardian notification). Students are responsible for all makeup work during the time when they are absent.

Students who are 18 years of age or older will be treated the same as any other student. The Cooperative will accept only parental/caregiver confirmation of absence. If a student is living independently, he/she must see the Executive Director concerning attendance policy.

Students who arrive after the beginning of the school day are to check in with the front office before reporting to their classroom. If an absence is anticipated, call the school prior to the absence.

#### **Acceptable Reasons for Absence:**

- Illness- if a student is absent for personal illness or that of their child for more than 3 days per quarter a physician's statement may be required
- Serious illness or death of a family member
- Required court appearance
- School sponsored activities
- Driver's test
- Maternity/Paternity Leave
- Administrative pre-approved absences, such as important family commitments

#### **Maximum Absences**

Regardless of the reason for the absence, if a student is not in attendance (is absent) 15 days or more for a course period(s) during a semester, the maximum grade a student may earn in that course is a "Pass for credit". To receive this grade, a student must also meet the essential components of the curriculum and outcomes. An opportunity to appeal the absences will be made to the parents/guardians/students. The Cooperative will review individual circumstances based on the appeals letter. The student will be notified of the final decision.

#### **Truancy**

Minnesota law requirement: children must go to school every day from the time they are enrolled until they are eighteen (18) years old, unless they are legally withdrawn at age 17. Absences may be excused because of a medical verified illness, religious observance, family emergency, or funeral of a relative. All other absences are presumed to be unexcused. A student who has at least three unexcused absences from school for three or more class periods on three days is considered "continuing truant" under the law. (Minn. Stat. §260A.02, Subd. 3.) A parent or guardian must compel the attendance of a child at school pursuant to Minn. Stat §120A.22. Failure to meet this obligation may result in legal action for both parent and child. A student who has at least seven unexcused absences from school for seven or more class periods on



seven days is considered "habitually truant." Students who are truant for 15 consecutive school days will be dropped from enrollment at the Cooperative.

Truant/Unexcused Absences:

- Absences not authorized or verified by the parent/guardian or the school
- Transportation difficulties
- Leaving class/school without permission
- Oversleeping
- Other absences verified by the parent/guardian not approved by the school

### **Leaving the School during the Day**

Parents may not take their child from the school premises without notifying the office.

Permission from parents is required for anyone other than those listed as parents/guardians and emergency contacts to take students off campus. If there are any court orders regarding guardianship, visitation, or restrictions, please turn them into the Cooperative office as soon as possible. It is the procedure of the Cooperative to keep the orders on file and listed in the student information system to ensure student safety.

- For students to leave school early, parents must call the front office and notify the office of the person picking up the student. The person picking up the student must come to the front office to sign the student out.
- If students become ill in school, they will be seen in the main office and seen by the Nurse or the Coordinator will consult with the Nurse. Administration must approve requests to leave the building.
- Parents or guardians will come into the building to sign out their child for any early release.
- If students leave the property without permission, parents will be contacted and the student will be marked unexcused for the time the student was absent.
- If the student leaves the building, but does not leave the property, the student will be allowed to return to school once the student is regulated.
- If the student leaves the property, returns to the building and was out of reasonable view of staff, the student will not be permitted back into the building to ensure safety for students and staff. The police may be contacted to ensure student safety if the student is vulnerable or highly dysregulated.
- Students with vulnerability will have a staff member follow them if they leave the building until contact can be made with appropriate authorities or parents to assist in retrieving student.
- If leaving or eloping becomes a chronic issue, an IEP meeting will be held to determine procedures for the student through the student's IEP or Positive Behavior Support Plan.

### **Bullying Prohibition**

The Cooperative is committed to providing a safe and respectful learning environment for all students. Acts of bullying, in any form, by either an individual student or a group of students, are prohibited on Cooperative property, at school-related functions or activities, on school transportation, and by misuse of technology. For detailed information, see the school district's "Bullying Prohibition" policy (Appendix 4).

### **Cell Phones and Other Electronic Communication Devices**

Students are prohibited from using cell phones and other electronic communication devices during the instructional day. Students also are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by Cooperative policies including, but not limited to, cheating, bullying, harassment, and gang activity. If the Cooperative has a reasonable suspicion that a student has violated a school rule or law by use of a cell phone or other electronic communication device, the Cooperative may search the device. The search of the device will be reasonably related in scope to the circumstances justifying the search. Students who use an electronic communication device during the school day and/or in violation of Cooperative policies may be subject to disciplinary action pursuant to the Cooperative's discipline policy. In addition, a student's cell phone or electronic communication device may be confiscated by the Cooperative and, if applicable, provided to law enforcement. Cell phones or other

electronic communication devices that are confiscated and retained by the Cooperative will be returned in accordance with school building procedures.

## **Discipline**

Misbehavior by one student can disrupt the learning process for many other students. In addition, students must learn to practice good safety habits, value academic honesty, respect the rights of others, and obey the law. For detailed information on the Student Code of Conduct and consequences for violations, see the "Student Discipline" policy (Appendix 3).

## **Dress and Appearance**

Students are encouraged to be dressed 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:

- 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.
- Apparel promoting products or activities that are 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.

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.

## **Drug-Free School and Workplace**

The possession and use of alcohol, controlled substances, and toxic substances are prohibited at school or in any other school location before, during, or after school hours. Paraphernalia associated with controlled substances also is prohibited. The Cooperative will discipline or take appropriate action against anyone who violates this policy.

Cooperative policy is not violated when a person brings a controlled substance that has a currently accepted medical treatment use onto a school location for personal use if the person has a physician's prescription for the substance except marijuana is not allowed on school property even if prescribed. Students who have prescriptions must comply with the school district's "Student Medication" policy. The school district will provide an instructional program in elementary and secondary programs on chemical abuse and the prevention of chemical dependency.

## **Harassment and Violence Prohibition**

The Cooperative strives to maintain a learning and working environment free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits

any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. Detailed information on the school district's "Harassment and Violence Prohibition" policy is included in this handbook (Appendix 5).

## **Hazing Prohibition**

Hazing is prohibited. No student will plan, direct, encourage, aid, or engage in hazing. Students who violate this rule will be subject to disciplinary action pursuant to the Cooperative's "Student Discipline" policy. Please see the school district's "Hazing Prohibition" policy (Appendix 6).

## **Internet Acceptable Use**

All Cooperative students have conditional access to the school district's computer system, including Internet access, for limited educational purposes, including use of the system for classroom activities, educational research, and professional and career development. Use of the Cooperative's system is a privilege, not a right. Unacceptable use of the Cooperative's computer 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, but not limited to, suspension, expulsion, or exclusion; or civil or criminal liability under other applicable laws.

A copy of the school district's "Internet Acceptable Use" policy is available at [www.cannonvalleyspecial.ed.org](http://www.cannonvalleyspecial.ed.org).

Within 30 days of the start of each school year, the Cooperative must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

1. identify each curriculum, testing, or assessment technology provider with access to educational data;
2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and
3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.

The Cooperative must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.

Students will receive a copy of the Cooperative's "Internet Acceptable Use" policy and are expected to understand and agree to abide by the policy as a condition of use of the Cooperative's computer system. All students who wish to use the Cooperative's computer system must sign the Internet Use Agreement form once per school year.

## **Parking on School District Property**

### **Students**

The school district allows limited use and parking of motor vehicles by students only in exceptional circumstances where use of the vehicle is approved by the Executive Director; subject to the following rules:

- Parking a motor vehicle on school property during the school day is a privilege;
- Parking is permitted in designated areas only;
- Students are not permitted to use motor vehicles during the school day unless an emergency occurs and permission has been granted to the student by the Executive Director;
- Students are permitted to use motor vehicles only before and after the school day;
- Unauthorized vehicles may be towed at the expense of the owner or operator.

The Cooperative may conduct routine patrols of Cooperative's properties and inspections of the exteriors of the motor vehicles of students. Interiors of students' vehicles in the Cooperative's locations may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule. If a search yields contraband, school officials may seize the item and may turn it over to legal authorities when appropriate. A student who violates this policy may be subject to withdrawal of parking privileges and/or discipline according to the Cooperative's "Student Discipline" policy (Appendix 3).

### **Visitors**

Visitors are permitted to park at the Cooperative location. Unattended vehicles left in other location may be towed at the owner's expense.

### **Tobacco-Free Schools; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction**

Cooperative students and staff have the right to learn and work in an environment that is tobacco free. School policy is violated by any individual's use of tobacco, tobacco-related devices, or carrying or using activated electronic delivery devices in a public school, on school grounds, in any school-owned vehicles, or at any school events or activities. Students may not possess any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school, on school grounds, in any school-owned vehicles, or at any school events or activities. Any student who violates this policy is subject to school district discipline. For detailed information on the school district's "Tobacco-Free Environment" policy, see Appendix 7. Contact the Executive Director if you have questions or wish to report violations.

### **Vandalism**

Vandalism of any Cooperative property is prohibited. Violators will be disciplined and may be reported to law enforcement officials.

### **Weapons Prohibition**

No person will possess, use, or distribute a weapon when in a school location except as provided in Cooperative policy. A "weapon" means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon. A weapon also includes look-alike weapons. Appropriate discipline and action will be taken against any person who violates this policy. The Cooperative does not allow the possession, use, or distribution of weapons by students. Discipline of students will include, at a minimum: immediate out-of-school suspension; confiscation of the weapon; immediate notification of police; parent or guardian notification; and recommendation to the Executive Director of dismissal for a period of time not to exceed one year. The Coordinator shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully. A student who brings a firearm to school will be expelled for at least one year, subject to school district discretion on a case-by-case basis. For a copy of the "School Weapons" policy, contact the Executive Director.

## **PART IV – HEALTH AND SAFETY**

### **Accidents**

All student injuries that occur at school, at school-sponsored activities, or on school transportation should be reported to the School Nurse at 200 Western Avenue, Suite A. Parents/guardians of an injured student will be notified as soon as possible. If the student requires immediate medical attention, the Coordinator or other Cooperative leader will call 911 or seek emergency medical treatment and then contact the parent(s).

### **Crisis Management**

The Cooperative has developed a "Crisis Management" policy. Students and parents will be provided with information as to Cooperative plans.

The "Crisis Management" policy addresses a range of potential crisis situations in the Cooperative. The Cooperative has developed general crisis procedures for securing buildings, classroom evacuation, campus evacuation, sheltering, and communication procedures. The Cooperative will conduct lock-down drills, fire drills, and a tornado drill. Building plans include classroom and building evacuation procedures.

### **Emergency Contact Information**

The Cooperative maintains Emergency Contact Information for each student which is updated yearly by parents/guardians. Emergency Contact Information requested upon enrollment and at the beginning of each school year. Parents/guardians should update Emergency Contact Information as it changes during the school year by contacting the Cooperative office.

### **Health Information**

#### **First Aid**

The Nurse's office is equipped to handle minor injuries requiring first aid. If the Nurse's office is not open, assistance can be sought from the Cooperative's administrative office. If a student experiences a more serious medical emergency at school, 911 will be called and/or a parent/guardian will be contacted depending on the situation.

The Cooperative has installed automated external defibrillators (AEDs) in the ALEX program and in the Nurse's office. Tampering with any AED is prohibited and may result in discipline.

#### **Communicable Diseases**

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If a parent or guardian suspects that his/her child has a communicable or contagious disease, the parent or guardian should contact the school nurse or Coordinator so that other students who might have been exposed to the disease can be alerted.

Students with certain communicable diseases will not be excluded from attending school in their usual daily attendance settings as long as their health permits and their attendance does not create a significant risk of transmitting the illness to other students or Cooperative employees. The Cooperative will determine on a case-by-case basis whether a contagious student's attendance creates a significant risk of transmitting the illness to others.

#### **Temperature Guideline**

If a student has a temperature of 100 degrees Fahrenheit or more, the student must go home. Students should not return to school unless their temperature goes below 100 degrees Fahrenheit without the assistance of medication for 24 hours.

## **Guidelines for Release to Home of Students Based Upon Illness**

The School Nurse will utilize their training and discretion to determine whether a student is suffering from an illness, disease or infection that warrants removal from school. Consistent with state and county health guidelines, the following symptoms should be considered when determining whether to remove/send a student home due to illness:

- Fever: An elevation of body temperature above normal and accompanied by behavior changes, stiff neck, difficulty breathing, rash, sore throat, and/or other signs or symptoms of illness; or is unable to participate in routine activities. Temperature should be measured before giving medications to reduce fever. Axillary (armpit) temperature: 100 F or higher Oral temperature: 101 F or higher Rectal temperature: 102 F or higher.
- Signs/Symptoms of Possible Severe Illness: Child is unusually tired, has uncontrolled coughing, unexplained irritability, persistent crying, difficulty breathing, wheezing, or other unusual signs for the child. Exclude until a health care provider has done an evaluation to rule out severe illness.
- Diarrhea: Diarrhea is defined as an increased number of stools compared with a child's normal pattern, along with decreased stool form and/or stools that are watery, bloody, or contain mucus. Exclude until 24 hours after diarrhea stops or follow specific disease exclusion if the pathogen is known; or until a medical exam indicates that it is not due to a communicable disease.
- Vomiting: Child has vomited in the previous 24 hours. Exclude for 24 hours after last episode of vomiting unless it is determined to be caused by a non-communicable condition and the child is not in danger of dehydration.
- Mouth Sores with Drooling: Exclude until a medical exam indicates the child may return or until sores have healed.
- Rash with Fever or Behavior Change: Exclude until a medical exam indicates these symptoms are not those of a communicable disease that requires exclusion.
- Eye Drainage Purulent (pus) drainage with fever and/or eye pain: Exclude until examined by a health care provider and approved for readmission. Unusual Color of Skin, Eyes, Stool, or Urine: Exclude until a medical exam indicates the child does not have hepatitis A. Symptoms of hepatitis A include yellow eyes or skin (jaundice), gray or white stools, or dark (tea or cola-colored) urine.

Should a student have chronic symptoms unrelated to an illness and it is being treated/documented by a physician, please contact the School Nurse to create a health plan for the student.

## **Health Service**

The student health office is staffed by a trained School Nurse and/or a Licensed Practical Nurse.

Students who become sick at school should report to the Nurse's office. In the event of an emergency, the school will contact the parent/guardian. It is the responsibility of parents to take the student home or arrange for a family member/caregiver to pick the student up. If the parent/guardian cannot be reached, the school will make arrangements necessary to provide health services to the student or call an ambulance. The School Nurse will arrange for students who get sick at school to go home early.

A parent/guardian should notify the school if his/her child is unable to attend school because of illness. Contact the Cooperative office by 9:00am on the day of the absence to report the student absence.

## **Immunizations**

All students must provide proof of immunization or submit appropriate documentation exempting them from such immunizations in order to enroll or remain enrolled. Students may be exempted from the immunization requirement when the immunization of the student is contraindicated for medical reasons; laboratory confirmation of adequate immunity exists; or due to the conscientiously held beliefs of the parents/guardians or student. The Cooperative will maintain a

file containing the immunization records for each student in attendance at the school district for at least five years after the student reaches the age of 18. For a copy of the immunization schedule or to obtain an exemption form or information, contact the School Nurse at the Cooperative.

### **Medications at School during the School Day**

The Cooperative acknowledges that some students may require prescribed drugs or medication during the school day. The administration of prescription medication or drugs at school requires a completed signed request from the student's parent. An "Administering Prescription Medications" form must be completed once a year and/or when a change in the prescription or requirements for administration occurs. Prescription medications must be brought to school in the original container labeled for the student by a pharmacist, and must be administered in a manner consistent with the instructions on the label. Prescription medications are not to be carried by the student, but will be left with the appropriate school personnel. Exceptions that may be allowed include: prescription asthma medications administered with an inhaler pursuant to school district policy and procedures, medications administered as noted in a written agreement between the school district and parent or as specified in an Individualized Education Program (IEP), a plan developed under Section 504 of the Rehabilitation Act (§504 Plan), or an individual health plan (IHP). Marijuana is not allowed on school property even if prescribed. The Cooperative is to be notified of any change in administration of a student's prescription medication.

### **Restrictive Procedures**

Crisis Team members at the District are trained in the use of safe, non-violent physical intervention skills. Staff will implement de-escalation strategies to assist students in regaining control when dysregulated. Restrictive Procedures (seclusion or physical holding) may be used as a last resort when a student's dysregulation is a safety concern for themselves, others. If a Restrictive Procedure is used, parents will be notified on the day of the incident and a staff-debriefing meeting will be held. If two Restrictive Procedures are used within a 30-day period, an IEP meeting will be held to discuss student goals and/or the Positive Behavior Support Plan. Student IEPs and PBSP (Positive Behavior Support Plans) will be followed when addressing dysregulation and interventions.

### **Safety**

The safety of students on campus and at school-related activities is a high priority of the Cooperative. While Cooperative-wide safety procedures are in place, student and parent cooperation is essential to ensuring school safety.

### **Visitors in District Buildings**

Due to protections under the Student Data Privacy Act, the Cooperative does not allow visitors in our program during the school day. All program tours or visits must be completed prior to the student arrival time or after the student departure time, or on non-student days.

All visitors are required to sign in and out of the office. All visitors must check in at the office and wear a visitor badge while in the building. Outside government agency service providers such as Children's Mental Health Case Managers, Corrections, Probation, and Vocational Rehabilitation Counselors may come to school and to meet with students in a confidential and designated area.

An individual or group may be denied permission to visit a school or school property, or such permission may be revoked, if the visitor does not comply with school Cooperative's procedures or if the visit is not in the best interests of the students, employee, or the school district.

## APPENDIXES

### 1. School District Policy Cross Reference Table

<b>Topic.....</b>	<b>Policy Number(s)</b>
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## **2. Student Records**

### **515 PROTECTION AND PRIVACY OF STUDENT RECORDS**

#### **I. PURPOSE**

The Cannon Valley Special Education Cooperative recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

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

The following procedures and policies regarding the protection and privacy of parents and students are adopted by The Cannon Valley Special Education Cooperative, pursuant to the requirements of 20 United States Code section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and Minnesota Rules parts 1205.0100-1205.2000.

#### **III. DEFINITIONS**

##### **A. Authorized Representative**

"Authorized representative" means any entity or individual designated by The Cannon Valley Special Education Cooperative, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

##### **B. Biometric Record**

"Biometric record," as referred to in "Personally Identifiable," means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

##### **C. Dates of Attendance**

"Dates of attendance," as referred to in "Directory Information," means the period of time during which a student attends or attended a program or programs in The Cannon Valley Special Education Cooperative, including attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at The Cannon Valley Special Education Cooperative.

##### **D. Directory Information**

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors

and awards received; and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

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

E. Education Records

1. What constitutes "education records." Education records means those records that are: (1) directly related to a student; and (2) maintained by The Cannon Valley Special Education Cooperative or by a party acting for The Cannon Valley Special Education Cooperative.
2. What does not constitute education records. The term "education records" does not include:
  - a. Records of instructional personnel that are:
    - (1) kept in the sole possession of the maker of the record;
    - (2) used only as a personal memory aid;
    - (3) not accessible or revealed to any other individual except a temporary substitute teacher; and
    - (4) destroyed at the end of the school year.
  - b. Records of a law enforcement unit of the school district, provided education records maintained by the Cooperative are not disclosed to the unit, and the law enforcement records are:
    - (1) maintained separately from education records;
    - (2) maintained solely for law enforcement purposes; and
    - (3) disclosed only to law enforcement officials of the same jurisdiction.
  - c. Records relating to an individual, including a student, who is employed by The Cannon Valley Special Education Cooperative which:
    - (1) are made and maintained in the normal course of business;
    - (2) relate exclusively to the individual in that individual's capacity as an employee; and

(3) are not available for use for any other purpose.

However, records relating to an individual in attendance at The Cannon Valley Special Education Cooperative who is employed as a result of his or her status as a student are education records.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:
  - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
  - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within The Cannon Valley Special Education Cooperative.
- e. Records created or received by The Cannon Valley Special Education Cooperative after an individual is no longer a student at the Cooperative and that are not directly related to the individual's attendance as a student.
- f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes section 13.05 or a court order.

G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

"Legitimate educational interest" includes an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes

a person's need to know in order to:

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

J. Parent

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The Cannon Valley Special Education Cooperative may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

K. Personally Identifiable

"Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who The Cannon Valley Special Education Cooperative reasonably believes knows the identity of the student to whom the education record relates.

L. Record

"Record" means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

M. Responsible Authority

"Responsible authority" means [*designate title and actual name of individual*].

N. Student

"Student" includes any individual who is or has been in attendance, enrolled, or registered at the Cannon Valley Special Education Cooperative and regarding whom The Cannon Valley Special Education Cooperative maintains education records. Student also includes applicants for enrollment or registration at The Cannon Valley Special Education Cooperative and individuals who receive shared time educational services from The Cannon Valley Special Education Cooperative.

O. School Official

"School official" includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task

such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

P. Summary Data

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

Q. Other Terms and Phrases

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

#### **IV. GENERAL CLASSIFICATION**

State law provides that all data collected, created, received, or maintained by The Cannon Valley Special Education Cooperative are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by The Cannon Valley Special Education Cooperative which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

#### **V. STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

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

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

B. Eligible Students

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

education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations section 99.31(a).

C. Students with a Disability

The Cannon Valley Special Education Cooperative shall follow 34 Code of Federal Regulations sections 300.610-300.617 with regard to the privacy, notice, access, recordkeeping, and accuracy of information related to students with a disability.

**VI. DISCLOSURE OF EDUCATION RECORDS**

A. Consent Required for Disclosure

1. The Cannon Valley Special Education Cooperative shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and
  - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
  - a. if the parent or eligible student so requests, The Cannon Valley Special Education Cooperative shall provide him or her with a copy of the records disclosed; and
  - b. if the parent of a student who is not an eligible student so requests, The Cannon Valley Special Education Cooperative shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a. in plain language;
  - b. dated;

- c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- d. specific as to the nature of the information the subject is authorizing to be disclosed;
- e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes chapter 256B or Minnesota Care under Minnesota Statutes chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by The Cannon Valley Special Education Cooperative that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

The Cannon Valley Special Education Cooperative may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

- 1. To other Cooperative officials, including teachers, within The Cannon Valley Special Education Cooperative whom the Cooperative determines have a legitimate educational interest in such records;
- 2. To a contractor, consultant, volunteer, or other party to whom The Cannon Valley Special Education Cooperative has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which The Cannon Valley Special Education Cooperative would otherwise use employees;
  - b. is under the direct control of The Cannon Valley Special Education Cooperative with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
- 3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as

a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, The Cannon Valley Special Education Cooperative will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;

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

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

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



the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and The Cannon Valley Special Education Cooperative enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of The Cannon Valley Special Education Cooperative to whom information is disclosed violates this provision, The Cannon Valley Special Education Cooperative may not allow that third party access to personally identifiable information from education records for at least five (5) years;

8. To accrediting organizations in order to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that The Cannon Valley Special Education Cooperative makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If The Cannon Valley Special Education Cooperative initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for The Cannon Valley Special Education Cooperative to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against The Cannon Valley Special Education Cooperative, The Cannon Valley Special Education Cooperative may disclose to the court, without a court order or subpoena, the student's education records that are relevant for The Cannon Valley Special Education Cooperative to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, The Cannon Valley Special Education Cooperative may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant

to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and Cooperative officials within The Cannon Valley Special Education Cooperative and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information The Cannon Valley Special Education Cooperative has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
  - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
  - b. the existence of the following information about a student, not the actual data or other information contained in the student's education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the program coordinator or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

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

20. To the program coordinator where the student attends if it is information from a peace officer's record of children received by a superintendent under Minnesota Statutes section 260B.171, subdivision 5. The program coordinator must place the information in the student's education record. The program coordinator also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the program coordinator believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The program coordinator may also notify other Cooperative employees, substitutes, and volunteers who are in direct contact with the student if the program coordinator determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the program coordinator must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The program coordinator must delete the peace officer's record from the student's education record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the Executive Director of such action;

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance

measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements; or

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

The Cannon Valley Special Education Cooperative may disclose personally identifiable information from the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

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

**VII. RELEASE OF DIRECTORY INFORMATION**

A. Classification

Directory information is public except as provided herein.

B. Former Students

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

C. Present Students and Parents

The Cannon Valley Special Education Cooperative may disclose directory information from

the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure The Cannon Valley Special Education Cooperative shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents that The Cannon Valley Special Education Cooperative has designated as directory information;
  - b. the parent's or eligible student's right to refuse to let The Cannon Valley Special Education Cooperative designate any or all of those types of information about the student and/or the parent as directory information; and
  - c. the period of time in which a parent or eligible student has to notify The Cannon Valley Special Education Cooperative in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform The Cannon Valley Special Education Cooperative in writing that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in Section VI. of this policy.
3. A parent or eligible student may not opt out of the directory information disclosures to:
  - a. prevent The Cannon Valley Special Education Cooperative from disclosing or requiring the student to disclose the student's name, ID, or Cooperative email address in a class in which the student is enrolled; or
  - b. prevent The Cannon Valley Special Education Cooperative from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by The Cannon Valley Special Education Cooperative as directory information.
4. The Cannon Valley Special Education Cooperative shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

for that school year.

E. Duration

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

**VIII. DISCLOSURE OF PRIVATE RECORDS**

A. Private Records

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

B. Private Records Not Accessible to Parent

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

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

- a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
- b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

D. Military-Connected Youth Identifier

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

**IX. DISCLOSURE OF CONFIDENTIAL RECORDS**

A. Confidential Records

Confidential records are those records and data contained therein which are made not public by state or federal law, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes Chapter 260E , written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by The Cannon Valley Special Education Cooperative. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes Chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes Chapter 260E, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

Data collected by The Cannon Valley Special Education Cooperative as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in the case of data not on individuals, and confidential data in the case of data on individuals.

1. The Cannon Valley Special Education Cooperative may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if The Cannon Valley Special Education Cooperative determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to The Cannon Valley Special Education Cooperative.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other cooperative students, Cooperative employees, and/or attorney data as defined in Minnesota Statutes section 13.393.

4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by The Cannon Valley Special Education Cooperative, or by the chief attorney for The Cannon Valley Special Education Cooperative, not to pursue the civil legal action. However, such investigation may subsequently become active if The Cannon Valley Special Education Cooperative or its attorney decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student's parent or guardian or representative shall be given access to all cooperative records pertaining to the student, including any tests or reports upon which the action proposed by The Cannon Valley Special Education Cooperative may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40, *et seq.*

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

- A. The Cannon Valley Special Education Cooperative will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by The Cannon Valley Special Education Cooperative, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
  1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
  3. copying fees shall not be imposed.



- C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by the Cooperative, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority [*designate title of individual, i.e., program coordinator*] in writing by [*date*] each year. The written request must include the following information:
1. Name of student and parent, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, The Cannon Valley Special Education Cooperative will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect The Cannon Valley Special Education Cooperative's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the cooperative has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

## **XII. LIMITS ON REDISCLOSURE**

### **A. Redisclosure**

Consistent with the requirements herein, The Cannon Valley Special Education Cooperative may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

### **B. Redisclosure Not Prohibited**

1. Subdivision A. of this section does not prevent The Cannon Valley Special Education Cooperative from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the

cooperative provided:

- a. The disclosures meet the requirements of Section VI. of this policy; and
- b. The Cannon Valley Special Education Cooperative has complied with the record-keeping requirements of Section XIII. of this policy.

2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code section 14071. However, The Cannon Valley Special Education Cooperative must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of The Cannon Valley Special Education Cooperative.

D. Notification

The Cannon Valley Special Education Cooperative shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of The Cannon Valley Special Education Cooperative improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, The Cannon Valley Special Education Cooperative may not allow that third party access to personally identifiable information from education records for at least five (5) years.

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

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

The program coordinator shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;

3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

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

E. Record Keeping

1. The program coordinator shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record, with the education records of the student, that indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event The Cannon Valley Special Education Cooperative discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
  - a. the names of the additional parties to which the receiving party may disclose the information on behalf of The Cannon Valley Special Education Cooperative;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom The Cannon Valley Special Education Cooperative disclosed information from an education record. The Cannon Valley Special Education Cooperative shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be

disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B) or an act of domestic or international terrorism.

4. The record of requests of disclosures may be inspected by:
  - a. the parent of the student or the eligible student;
  - b. the school official or his or her assistants who are responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of The Cannon Valley Special Education Cooperative.
5. The Cannon Valley Special Education Cooperative shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
  - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
  - b. the parties to whom The Cannon Valley Special Education Cooperative disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student as long as The Cannon Valley Special Education Cooperative maintains the student's education records.

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

A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The Cannon Valley Special Education Cooperative shall permit the parent of a student, an eligible student, or the parent of an eligible student who is also a dependent student who is or has been in attendance in The Cannon Valley Special Education Cooperative to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII. of this policy.

B. Response to Request for Access

The Cannon Valley Special Education Cooperative shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from The Cannon Valley Special Education Cooperative to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, The Cannon Valley Special Education Cooperative shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of

the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to The Cannon Valley Special Education Cooperative a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, The Cannon Valley Special Education Cooperative shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

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

prevent or, in the case of a student with a disability, impair the parent or eligible student from exercising their right to inspect or review the student's education records.

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

### **A. Request to Amend Education Records**

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that The Cannon Valley Special Education Cooperative amend those records.

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

### **B. Right to a Hearing**

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

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

C. Conduct of Hearing

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

D. Appeal

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

**XVI. PROBLEMS ACCESSING DATA**

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means *[designate title and actual name of individual]*.
- C. Any request by an individual with a disability for reasonable modifications of The Cannon Valley Special Education Cooperative's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

**XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA**

A. Where to File Complaints

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

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

**XVIII. WAIVER**

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

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

### **A. Contents of Notice**

The Cannon Valley Special Education Cooperative shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by The Cannon Valley Special Education Cooperative to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom The Cannon Valley Special Education Cooperative has determined to have legitimate educational interests; and
6. That The Cannon Valley Special Education Cooperative forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

The Cannon Valley Special Education Cooperative shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

### **C. Notification to Parents or Eligible Students Who are Disabled**

The Cannon Valley Special Education Cooperative shall provide for the need to effectively notify parents or eligible students identified as disabled.

## **XX. DESTRUCTION AND RETENTION OF RECORDS**

Destruction and retention of records by The Cannon Valley Special Education Cooperative shall be controlled by state and federal law.

## **XXI. COPIES OF POLICY**

Copies of this policy may be obtained by parents and eligible students at the Executive Director's office.



### 3. Student Discipline

#### 506 STUDENT DISCIPLINE

##### I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the Cannon Valley Special Education Cooperative's expectations for student conduct. Such compliance will enhance the Cannon Valley Special Education Cooperative's ability to maintain discipline and ensure that there is no interference with the educational process. The Cannon Valley Special Education Cooperative 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 Cooperative Board recognizes that individual responsibility and mutual respect are essential components of the educational process. The Cooperative 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 that 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 Cannon Valley Special Education Cooperative is that a fair and equitable Cannon Valley Special Education Cooperative-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 Cooperative Board, with the participation of Cooperative 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 Cannon Valley Special Education Cooperative.

##### III. AREAS OF RESPONSIBILITY

- A. The Cooperative Board. The Cooperative Board holds all Cannon Valley Special Education Cooperative personnel responsible for the maintenance of order within the Cannon Valley Special Education Cooperative and supports all personnel acting within the framework of this discipline policy.
- B. Cooperative Director. The Cooperative Director shall establish guidelines and directives to carry out this policy, hold all Cannon Valley Special Education Cooperative personnel, students, and parents responsible for conforming to this policy, and support all Cannon Valley Special Education Cooperative personnel performing their duties within the framework of this policy. The Cooperative Director 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 Cooperative Board for approval and shall be attached as an addendum to this policy.

The Cooperative Director is given the responsibility and authority to formulate building

rules and regulations necessary to enforce this policy, subject to final Cooperative Board approval. The Cooperative Director shall give direction and support to all Southeast Cooperative personnel performing their duties within the framework of this policy. The Cooperative Director shall consult with parents of students conducting themselves in a manner contrary to the policy. The Cooperative Director 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. The Cooperative Director, 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 Cannon Valley Special Education Cooperative Personnel. All Cannon Valley Special Education Cooperative personnel shall be responsible for contributing to the atmosphere of mutual respect within the Cannon Valley Special Education Cooperative. Their responsibilities relating to student behavior shall be as authorized and directed by the Cooperative Director. A Cooperative employee, or other agent of the Cannon Valley Special Education Cooperative, 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 Cooperative 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 Cannon Valley Special Education Cooperative staff in maintaining a safe school for all students;

- F. To be aware of all Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative staff as appropriate;
- J. To respect and maintain the Cooperative'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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative. 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 Cooperative buildings, grounds, and property or property immediately adjacent to Cooperative grounds; Cannon Valley Special Education Cooperative- sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for Cooperative purposes; the area of entrance or departure from school premises or events; and all school-related functions, Cooperative sponsored activities, events, or trips. Cooperative 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative 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 Cooperative 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 Cannon Valley Special Education Cooperative's Hazing Prohibition Policy;
  - 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
  - 6. Opposition to authority using physical force or violence;
  - 7. Using, possessing, or distributing tobacco or tobacco paraphernalia;
  - 8. 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;

9. 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, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
10. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
11. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
12. Violation of the Cannon Valley Special Education Cooperative's Weapons Policy;
13. Violation of the Cannon Valley Special Education Cooperative's Violence Prevention Policy;
14. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
15. 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;
16. 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;
17. 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;
18. Violation of any local, state, or federal law as appropriate;
19. 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;
20. Violation of the Cannon Valley Special Education Cooperative's Internet Acceptable Use and Safety Policy;
21. Possession of nuisance devices or objects that cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
22. Violation of school bus or transportation rules;
23. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on Cooperative property in such a manner as to endanger persons or property;
24. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
25. Violation of the Cannon Valley Special Education Cooperative's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
26. Possession or distribution of slanderous, libelous, or pornographic materials;
27. Violation of the Cannon Valley Special Education Cooperative's Bullying Prohibition Policy;
28. 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;
29. Criminal activity;
30. Falsification of any records, documents, notes, or signatures;
31. Tampering with, changing, or altering records or documents of the Cannon Valley Special Education Cooperative by any method including, but not limited to, computer access or other electronic means;
32. 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;

33. Impertinent or disrespectful language toward teachers or other Cooperative personnel;
34. Violation of the Cannon Valley Special Education Cooperative's Harassment and Violence Policy;
35. 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 Cooperative personnel, or other persons;
36. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
37. 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;
38. 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;
39. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
40. 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;
41. Violation of Cannon Valley Special Education Cooperative rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
42. Other acts, as determined by the Cannon Valley Special Education Cooperative, which are disruptive of the educational process or dangerous or detrimental to the student or other students, Cooperative personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the Cannon Valley Special Education or the safety and welfare of the students or employees.

## **VII. DISCIPLINARY ACTION OPTIONS**

The general policy of the Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative. At a minimum, violation of Cannon Valley Special Education Cooperative rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, administrator, counselor, or other Cannon Valley Special Education Cooperative personnel, and verbal warning;
- B. Confiscation by Cooperative personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any Cannon Valley Special Education Cooperative policy, rule, regulation, procedure, or state or federal law. If confiscated by the Cannon Valley Special Education Cooperative, 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. Expulsion under the Pupil Fair Dismissal Act;
- S. Exclusion under the Pupil Fair Dismissal Act; and/or
- T. Other disciplinary action as deemed appropriate by the Cannon Valley Special Education Cooperative.

### **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. 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, administrator, or other Cannon Valley Special Education Cooperative 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 Southeast Cooperative employees, the student or other students, or the property of the Cooperative;
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.

- B. If a student is removed from class more than ten (10) times in a school year, the Cannon Valley Special Education Cooperative 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.
- 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 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.
- F. 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.
- G. 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.
- H. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.
- I. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.
- J. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.
- K. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.
- L. 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 Cannon Valley Special Education Cooperative shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding that



may result in suspension, exclusion or expulsion.

The Cannon Valley Special Education Cooperative 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 Cooperative 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 Cooperative 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 Cooperative employees, or property of the Cannon Valley Special Education Cooperative.
- C. Suspension Procedures
1. "Suspension" means an action by the Cannon Valley Special Education Cooperative administration, under rules promulgated by the Cooperative 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 Cooperative Director shall provide the resident district 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 Cannon Valley Special Education Cooperative 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 pupil'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. The Cooperative Director 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 Cooperative Director 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 Cannon Valley Special Education Cooperative is in the process of initiating an expulsion, in which case the Cooperative Director 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 (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
5. The Cooperative Director 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 pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The Cooperative Director 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, the Cooperative Director, or their designee, 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 the Cooperative Director or their designee notifies a student of the grounds for suspension, the Cooperative Director or their designee may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend

school with the student for one day;

- b. 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 Cooperative Director, or their designee, 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 Cooperative 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 Cooperative 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 Cooperative Board.
2. "Exclusion" means an action taken by the Cooperative 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 Cooperative 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 Cannon Valley Special Education Cooperative'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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative, 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative 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 Cooperative Board may appoint an attorney to represent the Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative. 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 Cooperative 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 Cooperative 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 Cannon Valley Special Education Cooperative.

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 Cooperative Board and served upon the parties within two (2) days after the close of the hearing.
17. The Cooperative 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 Cooperative 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 Cooperative 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 Cooperative Board may appeal the decision to the Commissioner within twenty-one(21) calendar days of Cooperative Board action pursuant to Minn. Stat. § 121A.49. The decision of the Cooperative Board shall be implemented during the appeal to the Commissioner.
19. The Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative 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, the Cooperative Director, or their designee, 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 Cooperative Board.

**X. ADMISSION OR READMISSION PLAN**

The Cooperative Director 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, administrator or other Cooperative official may provide additional notification as deemed appropriate.

**XII. STUDENT DISCIPLINE RECORDS**

The policy of the Cannon Valley Special Education Cooperative is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative 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 resident district shall continue to provide special education and related services during the period of expulsion or exclusion.

**XIV. DISTRIBUTION OF POLICY**

The Cannon Valley Special Education Cooperative 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 the Cooperative Director's office.

**XVI. REVIEW OF POLICY**

The Cooperative Director and representatives of parents, students and staff 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 for consideration by the Cooperative Board, which shall conduct an annual review of this policy.

**4. Bullying Prohibition**

**514 BULLYING PROHIBITION POLICY**

**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 Cannon Valley Special Education Cooperative 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 Cooperative personnel. However, to the extent such conduct affects the educational environment of the Cannon Valley Special Education Cooperative and the rights and welfare of its students and is within the control of the Cannon Valley Special Education Cooperative in its normal operations, the Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative premises, on Cooperative 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 Cannon Valley Special Education Cooperative or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off Cooperative property and/or with or without the use of Cooperative resources.
  
- B. No teacher, administrator, volunteer, contractor, or other employee of the Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative's policies and procedures, including the Cannon Valley Special Education Cooperative's discipline policy (CVSEC Policy 506). The Cannon Valley Special Education Cooperative may take into account the following factors:
  - 1. The developmental ages and maturity levels of the parties involved;
  - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
  - 3. Past incidences or past or continuing patterns of behavior;
  - 4. The relationship between the parties involved; and
  - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative, 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 Cannon Valley Special Education Cooperative property and events.

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

### **III. DEFINITIONS**

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

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



or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

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

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on Cooperative 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 Cooperative property, at school functions or activities, or on school transportation" means all Cooperative buildings, grounds, and Cooperative property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for Cannon Valley Special Education Cooperative purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. Cooperative 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 Cannon Valley Special Education Cooperative does not represent that it will provide supervision or assume liability at these locations and events.
- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a

student who is the target or victim of prohibited conduct.

H. "Student" means a student enrolled in a public school or a charter school.

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

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate Cooperative official designated by this policy. A person may report bullying anonymously. However, the Cannon Valley Special Education Cooperative may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The Cannon Valley Special Education Cooperative encourages the reporting party or complainant to use the report form available Cooperative Director's office, but oral reports shall be considered complaints as well.
- C. The Cooperative Director, or their designee (hereinafter the "Cooperative report taker") is the person responsible for receiving reports of bullying or other prohibited conduct. Any person may report bullying or other prohibited conduct directly to a Cooperative Human Rights Officer or the Cooperative Director. If the complaint involves the cooperative report taker, the complaint shall be made or filed directly with the Cooperative Director or the Cooperative Human Rights Officer by the reporting party or complainant.

The Cooperative 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 Cooperative report taker or a third party designated by the Cannon Valley Special Education Cooperative shall be responsible for the investigation. The Cooperative 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, administrator, volunteer, contractor, or other Cannon Valley Special Education Cooperative 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 Cooperative report taker immediately. Cooperative personnel who fail to inform the cooperative 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 Cooperative 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

**V. CANNON VALLEY SPECIAL EDUCATION COOPERATIVE ACTION**

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the Cannon Valley Special Education Cooperative shall undertake or authorize an investigation by the building report taker or a third party designated by the Cannon Valley Special Education Cooperative.
- B. The Cooperative report taker or other appropriate Cooperative 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 Cannon Valley Special Education Cooperative will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. Cannon Valley Special Education Cooperative 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 CVSEC Policy 506) and other applicable Cannon Valley Special Education Cooperative policies; and applicable regulations.
- E. The Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative. Cooperative 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the Cannon Valley Special Education Cooperative who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

**VII. TRAINING AND EDUCATION**

- A. The Cannon Valley Special Education Cooperative shall discuss this policy with Cooperative personnel and volunteers and provide appropriate training to Cooperative personnel regarding this policy. The Cannon Valley Special Education Cooperative shall establish a training cycle for Cooperative personnel to occur during a period not to exceed every three school years. Newly employed Cooperative personnel must receive the training within the first year of their employment with the Cannon Valley Special Education Cooperative. The Cannon Valley Special Education Cooperative or Cooperative Director 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 Cannon Valley Special Education Cooperative rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
  
- B. The Cannon Valley Special Education Cooperative shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all Cooperative personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
  - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
  - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
  - 4. The incidence and nature of cyberbullying; and
  - 5. Internet safety and cyberbullying.

- C. The Cannon Valley Special Education Cooperative annually will provide education and information to students regarding bullying, including information regarding this Cannon Valley Special Education Cooperative policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative's 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative may accomplish this requirement by inclusion of all or applicable parts of its protection and

privacy of pupil records policy (See CVSEC Policy 515).

**VIII. NOTICE**

- A. The Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative.
- C. This policy must be given to each Cooperative employee and independent contractor who regularly interacts with students at the time of initial employment with the Cannon Valley Special Education Cooperative.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See CVSEC 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 Cannon Valley Special Education Cooperative's website.
- F. The Cannon Valley Special Education Cooperative shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

**IX. POLICY REVIEW**

To the extent practicable, the Cooperative Board shall, on a cycle consistent with other Cannon Valley Special Education Cooperative 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.

## **5. Harassment and Violence Prevention**

### **413 HARASSMENT AND VIOLENCE**

#### **I. PURPOSE**

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

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

- A. The policy for Cannon Valley Special Education Cooperative is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The Cannon Valley Special Education Cooperative prohibits any form of harassment or violence on the basis of Protected Class.
- B. A violation of this policy occurs when any student, teacher, administrator, or other Cooperative personnel harasses a student, teacher, administrator, or other Cooperative personnel or group of students, teachers, administrators, or other Cooperative personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, Cooperative personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the Cooperative.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other Cooperative personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other Cooperative personnel or group of students, teachers, administrators, or other Cooperative personnel based on a person's Protected Class.
- D. The Cannon Valley Special Education Cooperative will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's Protected Class, and to discipline or take appropriate action against any student, teacher, administrator, or other Cooperative personnel found to have violated this policy.

#### **III. DEFINITIONS**

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

- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. "Disability" means, with respect to an individual who
    - a. a physical sensory or mental impairment that materially limits one or more major life activities of such individual;
    - b. has a record of such an impairment; or
    - c. is regarded as having such an impairment.
  2. "Familial status" means the condition of one or more minors being domiciled with:
    - a. their parent or parents or the minor's legal guardian; or
    - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment or discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
  3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
  4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
  5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.



6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
  7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition
1. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
    - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
    - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
    - c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
  2. Sexual harassment may include, but is not limited to:
    - a. unwelcome verbal harassment or abuse;
    - b. unwelcome pressure for sexual activity;
    - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
    - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;

- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statutes, section 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
  - a. touching, patting, grabbing, or pinching another person's intimate parts
  - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
  - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
  - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to an individual's Protected Class.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other Cooperative personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other Cooperative personnel or group of students, teachers, administrators, or other Cooperative personnel should report the alleged acts immediately to an appropriate Cooperative official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. However, the Cooperative may not rely solely on an anonymous report to determine discipline or other remedial responses.

- B. The Cooperative encourages the reporting party or complainant to use the report form available from the executive director or program coordinator of each program or available from the Cooperative district office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the Executive Director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Executive Director or the school district human rights officer by the reporting party or complainant.
- D. In Each Cooperative Program. The program Coordinator, the Coordinator's designee, or the program supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the program level. Any adult Cooperative personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Executive Director or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. Cooperative personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the Cooperative human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. In the Cooperative. The school board hereby designates Sarah McGuire, Executive Director as the Cooperative's human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the alternative human rights officer, Shari Qual, Coordinator of SUN/STEP.<sup>1</sup>

- H. The Cooperative shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The Cooperative will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the Cooperative's policies and procedures.

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

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

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from Cooperative property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of the Cooperative, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by Cooperative officials or by a third party designated by the school district.

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

## **VI. COOPERATIVE ACTION**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the Cooperative will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. Cooperative action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The Cooperative 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 Cooperative. Cooperative officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

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

**VII. RETALIATION OR REPRISAL**

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

**VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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

**IX. HARASSMENT OR VIOLENCE AS ABUSE**

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

**X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.

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

## **6. Hazing Prohibition**

### **526 HAZING PROHIBITION**

#### **I. PURPOSE**

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

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

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the Cannon Valley Special Education Cooperative shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the Cannon Valley Special Education Cooperative shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the Cannon Valley Special Education Cooperative's policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

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

Consequences for other individuals engaging in prohibited acts of hazing may include,

but not be limited to, exclusion from Cooperative property and events and/or termination of services and/or contracts.

- G. This policy applies to hazing that occurs during and after school hours, on or off Cooperative premises or property, at school functions or activities, or on school transportation.
- H. A person who engages in an act that violates Cannon Valley Special Education Cooperative policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- I. The Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative who is found to have violated this policy.

### **III. DEFINITIONS**

- A. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other school-related purpose. The term hazing includes, but is not limited to:
  - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.
  - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
  - 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of Cannon Valley Special Education Cooperative policies or regulations.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "On school premises or school district property, or at school functions or activities, or on school transportation" means all Cooperative buildings, Cooperative grounds, and Cooperative property or property immediately adjacent to Cannon Valley Special Education Cooperative grounds, school bus stops, school buses, Cooperative vehicles, Cooperative contracted vehicles, or any other vehicles approved for Cannon Valley Special Education Cooperative purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. Cooperative property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, the Cannon



Valley Special Education Cooperative does not represent that it will provide supervision or assume liability at these locations and events.

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

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

- A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report hazing anonymously. However, the Cannon Valley Special Education Cooperative may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The Cannon Valley Special Education Cooperative encourages the reporting party to use the report form available from the Cooperative Director or available from the Cannon Valley Special Education Cooperative office, but oral reports shall be considered complaints as well.

The Cooperative Director, or their designee, (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult Cooperative personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a Cooperative Human Rights Officer or to the Cooperative Director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Cooperative Director or the Cooperative Human Rights Officer by the reporting party or complainant.

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

- C. A teacher, administrator, volunteer, contractor, and other Cooperative employees shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. Cooperative personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the

complainant or reporter's future employment, grades, work assignments, or educational or work environment.

- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.
- F. The Cannon Valley Special Education Cooperative 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 Cooperative's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

**V. CANNON VALLEY SPECIAL EDUCATION COOPERATIVE ACTION**

- A. Within three (3) days of the receipt of a complaint or report of hazing, the Cannon Valley Special Education Cooperative shall undertake or authorize an investigation by Cooperative officials or a third party designated by the Cannon Valley Special Education Cooperative.
- B. The building report taker or other appropriate Cooperative officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited by this policy.
- C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines hazing has occurred, the Cannon Valley Special Education Cooperative will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. Cannon Valley Special Education Cooperative action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable Cannon Valley Special Education Cooperative policies and regulations.

The Cannon Valley Special Education Cooperative 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 Cannon Valley Special Education Cooperative. Cooperative officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.

- E. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the Cannon Valley Special Education Cooperative shall, where

determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

**VI. RETALIATION OR REPRISAL**

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

**VII. DISSEMINATION OF POLICY**

- A. This policy shall appear in the Cannon Valley Special Education Cooperative's student and staff handbooks.
- B. The Cannon Valley Special Education Cooperative will develop a method of discussing this policy with students and employees.

**7. Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction**

**419 TOBACCO-FREE ENVIRONMENT**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the Cannon Valley Special Education Cooperative, or person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a Cannon Valley Special Education Cooperative owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all Cannon Valley Special Education Cooperative property and all off-campus events sponsored by the Cannon Valley Special Education Cooperative.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents,

contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all Cannon Valley Special Education Cooperative property and all off-campus events sponsored by the Cannon Valley Special Education Cooperative.

- C. The Cannon Valley Special Education Cooperative 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. "Electronic cigarette" means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.
- B. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.
- E. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. "Vaping" means using an activated electronic delivery device or heated tobacco product.

### **IV. EXCEPTIONS**

- A. A violation of this policy does not occur when an Indian adult lights 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.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence

product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

## **V. ENFORCEMENT**

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

## **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.

## **8. Parent/Guardian Refusal for Student Participation in Statewide Assessments**

## Statewide Assessments: Parent/Guardian Participation Guide and Refusal Information

Your student's participation in statewide assessments is important as it allows your school and district to ensure all students have access to a high-quality education. In the past, students with disabilities and English learners were often excluded from statewide assessments. By requiring that all students take statewide assessments, schools and teachers have more information to see how all students are doing. This helps schools to continuously improve the education they provide and to identify groups, grades, or subjects that may need additional support.

### Assessments Connect to Standards

Statewide assessments are based on the [Minnesota Academic Standards](#) or the [WIDA English Language Development Standards](#). These standards define the knowledge and skills students should be learning in K–12 public and charter schools. Minnesota prioritizes high-quality education, and statewide assessments gives educators and leaders an opportunity to evaluate student and school success.

### Minnesota Comprehensive Assessments (MCA) and Minnesota Test of Academic Skills (MTAS)

MCA and MTAS are the annual assessments in reading, mathematics and science that measure a snapshot of student learning of the Minnesota K–12 Academic Standards.

### ACCESS and Alternate ACCESS for English Learners

The ACCESS and Alternate ACCESS are the annual assessments for English learners that provide information about their progress in learning academic English based on the WIDA English Language Development Standards.

### Statewide Assessments Help Families and Students

Participating in statewide assessments helps families see a snapshot of their student's learning so they can advocate for their success in school. High school students can use MCA results:

- For course placement at a Minnesota State college or university. If students receive a college-ready score, they may not need to take a remedial, noncredit course for that subject.
- For Postsecondary Enrollment Options (PSEO) and College in the Schools programs.

English learners who take the ACCESS or Alternate ACCESS and meet certain requirements have the opportunity to exit from English learner programs.

### Taking Statewide Assessments Helps Your Student's School

Statewide assessments provide information to your school and district about how all students are engaging with the content they learn in school. This information helps:

- Educators evaluate their instructional materials.
- Schools and districts identify inequities between groups, explore root causes and implement supports.
- School and district leaders make decisions about how to use money and resources to support all students.

### Student Participation in Statewide Assessments

Student participation in state and locally required assessments is a parent/guardian choice. If you choose to have your student not participate in a statewide assessment, please provide a reason for your decision on the form. Contact your student's school to learn more about locally required assessments.



## Consequences of Not Participating in Statewide Assessments

- The student will not receive an individual score. For ACCESS and Alternate ACCESS, the student would not have the opportunity to exit their English learner program.
- School and district assessment results will be incomplete, making it more difficult to have an accurate picture of student learning.
- Since all eligible students are included in some calculations even when they do not participate, school and district accountability results are impacted. This may affect the school's ability to be identified for support or recognized for success.

Check with your local school or district to see if there are any other consequences for not participating.



(education.mn.gov >  
Students and Families >  
Programs and Initiatives >  
Statewide Testing)

### Additional Information

- On average, students spend less than 1 percent of instructional time taking statewide assessments each year.
- Minnesota statutes limit the total amount of time students can spend taking other district- or school-wide assessments to 11 hours or less each school year, depending on the grade.
- School districts and charter schools are required to publish an assessment calendar on their website by the beginning of each school year. Refer to your district or charter school's website for more information on assessments.

(Note: This form is only applicable for the 20\_\_ to 20\_\_ school year.)



### Statewide Assessment: Parent/Guardian Decision Not to Participate

By completing this form, you are acknowledging that your student will not participate in statewide assessments and will not receive individual assessment results. This form must be returned to your student's school before the applicable test administration.

#### Student Information

First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ Last Name: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Current Grade in School: \_\_\_\_\_

School: \_\_\_\_\_ District: \_\_\_\_\_

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

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

Reason for Refusal:

Please indicate the statewide assessment(s) you are opting the student out of this school year:

- |   |  |
|---|--|
| <input type="checkbox"/> MCA/MTAS Reading     | <input type="checkbox"/> MCA/MTAS Science        |
| <input type="checkbox"/> MCA/MTAS Mathematics | <input type="checkbox"/> ACCESS/Alternate ACCESS |

Contact your school or district for more information on how to opt out of local assessments.