

Policy Committee Meeting
 Duluth Public Schools, ISD 709
 Agenda
 Tuesday, May 2, 2023
 United Health Group (UHG)
 4316 Rice Lake Rd
 Suite 108
 Duluth, MN 55811
 3:30 PM

1. **AGENDA ITEMS**
2. **POLICIES FOR FIRST READING**
 - A. 901 Community Education 2
 - B. 712 Video Surveillance Other Than on Buses (replacing 3188 Video Security Other Than on Buses) 3
 - C. 509 Enrollment of Nonresident Students (replacing 5035 Non-Resident Enrollees) 6
 - D. 532 Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds 11
 - E. 514 Bullying Prohibition Policy 26
 - F. 515 Protection and Privacy of Pupil Records and Public Notice & Juvenile Justice System Request for Information (replacing 5060 Collection, Maintenance, Dissemination, and Retention of Student Records and Information 052014) 55
3. **POLICIES FOR SECOND READING**
 - A. 516.5 Overdose Medication 85
4. **REGULATIONS & FORMS - Informational**
 - A. 712R Video Security Regulations (renumbering from 3188R) 93
 - B. 532R Regulations and Restrictive Procedures Plan 94
 - C. 513R Student Promotion, Retention and Program Design 99
 - D. 515 Form Protection and Privacy of Pupil Records and Public Notice & Juvenile Justice System Request for Information 032822 MSBA 132
 - E. 515R Regulations and Form (renumbering from 5060R Regulations and Form) 139
5. **OTHER**

Adopted: _____

MSBA/MASA Model Policy 901
Orig. 1995
Rev. 2022

Revised: _____

901 COMMUNITY EDUCATION

I. PURPOSE

The purpose of this policy is to convey to employees and to the general public the important role of community education within the school district. Community education and its funding stream includes Community Education, Early Childhood and Family Education (ECFE),

II. GENERAL STATEMENT OF POLICY

The school board affirms a strong commitment to the community education program. The school board welcomes, and strongly encourages use of school buildings and activity areas by the community when not used for regularly scheduled elementary and secondary programs. The school administration should strive to accomplish the following objectives:

- A. Maximum use should be made of public school facilities within the school district service area.
- B. Educational needs and interest of area residents should be determined periodically.
- C. Community resources and expertise of residents should be utilized to develop a vibrant, well-rounded community education program.
- D. Area residents should be encouraged to actively participate in program opportunities.
- E. Outreach and Collaboration with the full Duluth community should be equitable and ongoing.**

III. COMMUNITY EDUCATION ADVISORY COUNCIL

- A. The council shall assist in promoting the goals and objectives of the program.
- B. The membership of the community education advisory will consist of members who represent: various service organizations; churches; public and nonpublic schools; local government including elected officials; public and private nonprofit agencies serving youth and families; parents; youth; park, recreation or forestry services of municipal or local government units located in whole or in part within the boundaries of the school district; and any other groups participating in the community education program in the school district.
- C. Bylaws of the community education advisory council shall provide the framework for the organization including criteria pertaining to membership, officers' duties, frequency and structure of meetings and such other matters as deemed necessary and appropriate.
- D. The council will adopt a policy to reduce and eliminate program duplication within the school district.

Legal References: Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)
Minn. Stat. § 124D.19, Subd. 1 (Community Education Programs; Advisory Council)
Minn. Stat. § 124D.20, Subd. 1 (Community Education Revenue)

Cross References: MSBA/MASA Model Policy 902 (Use of School District Facilities and Equipment)

712 VIDEO SURVEILLANCE OTHER THAN ON BUSES

I. PURPOSE

Maintaining the health, welfare, and safety of students, staff, and visitors while on school district property and the protection of school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The school board recognizes the value of video/electronic surveillance systems in monitoring activity on school property in furtherance of protecting the health, welfare, and safety of students, staff, visitors, and school district property.

II. GENERAL STATEMENT OF POLICY

A. Placement

1. School district buildings and grounds may be equipped with video cameras.
2. Video surveillance may occur in any school district building or on any school district property.
3. ~~Video surveillance will normally not be used in bathrooms or locker rooms, although these areas may be placed under surveillance by individuals of the same sex as the occupants of the bathrooms or locker rooms. Video surveillance in bathrooms or locker rooms will only be utilized in extreme situations, with extraordinary controls, and only as expressly approved by the superintendent.~~

B. Use of Video Recordings

1. Video recordings will be viewed by school district personnel on a random basis and/or when problems have been brought to the attention of the school district.
2. A video recording of the actions of students and/or employees may be used by the school district as evidence in any disciplinary action brought against any student or employee arising out of the student's or employee's conduct in school district buildings or on school grounds.
3. A video recording will be released only in conformance with the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code section 1232g, and the rules and/or regulations promulgated thereunder.

C. Security and Maintenance

1. The school district shall establish appropriate security safeguards to ensure that video recordings are maintained and stored in conformance with the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code section 1232g, and the rules and/or regulations promulgated thereunder.
2. The school district shall ensure that video recordings are retained in accordance with the school district's records retention schedule.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.585 (Notice of Recording Device)

Minn. Stat. § 138.17 (Government Records; Administration)
Minn. Stat. § 609.746 (Interference with Privacy)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)

~~3188 VIDEO SECURITY OTHER THAN ON BUSES~~

~~I. PURPOSE~~

~~Maintaining the health, welfare, and safety of students, staff, and visitors while on school district property and the protection of school district property are important functions of the school district. The behavior of individuals who come on to school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school district property. The school board recognizes the value of video/electronic security systems on school property in furtherance of protecting the health, welfare, and safety of students, staff, visitors, and school district property.~~

~~II. GENERAL STATEMENT OF POLICY~~

~~A. Placement~~

- ~~1. Video security systems may exist in any school district building or on any school district property.~~

~~B. Use of Video Security Systems~~

- ~~1. Video security information will be viewed by school district as needed and/or when problems have been brought to the attention of the school district.~~
- ~~2. Video security information will be released only in conformance with the Minnesota Government Data Practice Act, Minn. Stat. Ch. 13 and the Family Educational Rights and Privacy Act, 20 U.S.C. & 1232g and the rules and/or regulations promulgated there under.~~

~~Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. & 121A.585 (Notice of Recording Device)
20 U.S.C & 1232g (Family Education Rights and Privacy Act)
34 C.F.R. Secs. 99.1-99.67~~

~~Cross References: MSBA/MASA Model Policy 506 (Student Discipline) MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records) MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Videotaping on School Buses)~~

~~Adopted: 09-21-2010 ISD 709~~

~~Revised:~~

Adopted: _____

MSBA/MASA Model Policy 509

Orig. 1995

Revised: _____

Rev. 2022

509 ENROLLMENT OF NONRESIDENT STUDENTS

[Note: The provisions of this policy substantially reflect statutory requirements.]

I. PURPOSE

The school district desires to participate in the Enrollment Options Program established by Minnesota Statutes section 124D.03. The purpose of this policy is to set forth the application and exclusion procedures used by the school district in making said determination.

II. GENERAL STATEMENT OF POLICY

A. Eligibility. Applications for enrollment under the Enrollment Options (Open Enrollment) Law will be approved provided that acceptance of the application will not exceed the capacity of a program, excluding special education services; class; grade level; or school building as established by school board resolution and provided that:

1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
2. in considering the capacity of a grade level, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of: (a) one percent of the total enrollment at each grade level in the school district; or (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with Minnesota Statutes section 124D.03.
3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.

B. Standards that may be used for rejection of application. In addition to the provisions of Paragraph II.A., the school district may refuse to allow a pupil who is expelled under Minnesota Statutes section 121A.45 to enroll during the term of the expulsion if the student was expelled for:

1. possessing a dangerous weapon, including a weapon, device, instruments, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, with the exception of a pocket knife with a blade less than two and one-half inches in length, at school or a school function;
2. possessing or using an illegal drug at school or a school function;
3. selling or soliciting the sale of a controlled substance while at school or a school function; or
4. committing a third-degree assault involving assaulting another and inflicting substantial bodily harm.

C. Standards that may not be used for rejection of application. The school district may not

use the following standards in determining whether to accept or reject an application for open enrollment:

1. previous academic achievement of a student;
2. athletic or extracurricular ability of a student;
3. disabling conditions of a student;
4. a student's proficiency in the English language;
5. the student's district of residence except where the district of residence is directly included in an enrollment options strategy included in an approved achievement and integration program; or
6. previous disciplinary proceedings involving the student. This shall not preclude the school district from proceeding with exclusion as set out in Section F. of this policy.

D. Application

The student and parent or guardian must complete and submit a School District Enrollment Options Program application developed by the Minnesota Department of Education and available on their website (education.mn.gov). Go to "Students and Families," then, under "School Choice," select "Open Enrollment." The form is entitled, "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education."

E. Lotteries

If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality (a statutory or home rule charter city or town) where:

1. the student's resident district does not operate a school building;
2. the municipality is located partially or fully within the boundaries of at least five school districts;
3. the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
4. no other nonresident, independent, special, or common school district operates a school building within the municipality.

The process for the school district lottery must be established by school board policy and posted on the school district's website.

F. Exclusion

1. Administrator's initial determination. If a school district administrator knows or has reason to believe that an applicant has engaged in conduct that has subjected or could subject the applicant to expulsion or exclusion under law or school district policy, the administrator will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should be initiated.
2. Superintendent's review. The superintendent may make further inquiries. If the superintendent determines that the applicant should be admitted, he or she will notify the applicant and the school board chair. If the superintendent determines that the applicant should be excluded, the superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the school district reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

G. Termination of Enrollment

1. The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minnesota Statutes section 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under Minnesota Statutes chapter 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 17 years of age who is absent from attendance at school without lawful excuse for seven school days in a school year if the child is in elementary school or for one or more class periods on seven school days in a school year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days in a school year and who has not lawfully withdrawn from school under Minnesota Statutes section 120A.22, subdivision 8. The school district may also terminate the enrollment of a nonresident student over 17 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under Minnesota Statutes section 120A.22, subdivision 8.
2. A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the school district will send to the student's parents a written notice of the school district's belief that the student is not a resident of the school district. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the superintendent's designee. The superintendent or the superintendent's designee will make the final determination as to the residency status of the student.

- H. Notwithstanding the requirement that an application must be approved by the board of the nonresident district, a student who has been enrolled in a district, who is identified as homeless, and whose parent or legal guardian moves to another district, or who is

placed in foster care in another school district, may continue to enroll in the nonresident district without the approval of the board of the nonresident district. The approval of the board of the student's resident district is not required.

- Legal References:** Minn. Stat. § 120A.22, Subd. 3(e) and Subd. 8 (Compulsory Instruction)
 Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
 Minn. Stat. § 124D.03 (Enrollment Options Program)
 Minn. Stat. § 124D.08 (School Board Approval to Enroll in Nonresident District; Exceptions)
 Minn. Stat. § 124D.68 (Graduation Incentives Program)
 Minn. Stat. Ch. 260A (Truancy)
 Minn. Stat. § 260C.007, Subd. 19 (Definitions)
 Minn. Op. Atty. Gen. 169-f (Aug. 13, 1986)
Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ., Co. No. A05-361, 2005 WL 3111963 (Minn. Ct. App. 2005) (unpublished)
- Cross References:** MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 517 (Student Recruiting)

~~5035 NON-RESIDENT ENROLLEES~~

~~The Superintendent may admit non-resident students who do not qualify for enrollment under the Minnesota Open Enrollment Law, but shall assess the usual non-resident tuition if in his/her judgment it should be paid. The tuition charges shall be equivalent to the cost of education per student as established annually by the School Board.~~

~~References: MSA 120.06~~

~~Adopted: 06-09-70 ISD 709~~

~~Revised: 06-20-95 ISD 709~~

Adopted: _____

MSBA/MASA Model Policy 532

Orig. 2003

Revised: _____

Rev. 2022

532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

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

[Note: Minnesota Laws 2009, Chapter 96, made a number of changes to the laws and rules governing the use of "conditional procedures" with respect to special education students. Specifically, Chapter 96 repealed, EFFECTIVE AUGUST 1, 2011, Minnesota Statutes sections 121A.66, 121A.67, Subd. 1, as well as Minnesota Rules 3525.0210, Subparts 5, 6, 9, 13, 17, 29, 30, 46, 47, and 3525.2900, Subp. 5. These laws and rules were replaced, effective August 1, 2011, with a restrictive procedures law which generally addresses the restraint of special education students. Also note that the restrictive procedures law contains a significant staff training component, found at Minnesota Statutes section 125A.0942, Subds. 1, 2, and 5. Staff who intend to use restrictive procedures must be trained in the areas specified in Subd. 5 to use these procedures.]

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF POLICY

The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.

- B. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- C. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- D. "Police liaison officer" is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- E. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

[Note: If the school district uses a different reference name for its student records policy, insert that name in place of the reference to Protection and Privacy of Pupil Records, which is the title of MSBA/MASA Model Policy 515.]

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, 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.

In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minnesota Statutes section 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes Chapter 260E;
6. Physical holding (as defined in Minnesota Statutes section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or
8. Denying a child access to toilet facilities.

D. Parental Notification

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes section 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
 Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
 Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
 Minn. Stat. § 121A.67 (Removal by Police Officer)
 Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
 Minn. Stat. § 609.06 (Authorized Use of Force)
 Minn. Stat. § 609.379 (Permitted Actions)
 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act)
 34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 507 (Corporal Punishment)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 806 (Crisis Management Policy)

~~532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS FROM SCHOOL GROUNDS~~

~~I. PURPOSE~~

~~The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to use a restrictive procedure or remove, if necessary, a student from school grounds. This includes students with or without an Individualized Education Program (IEP).~~

~~II. GENERAL STATEMENT OF POLICY~~

~~The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.~~

~~In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.~~

~~If a student engages in behavior that constitutes an emergency, that student may be subject to the use of restrictive procedures and/or the removal from school grounds in accordance with this policy.~~

~~III. DEFINITIONS~~

~~For purposes of this policy, the following terms have the meaning given them in this section:~~

- ~~A. "Student with an IEP" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).~~
- ~~B. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.~~
- ~~C. "Police liaison officer" is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.~~

- ~~D. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.~~
- ~~E. The phrase "remove the student from school grounds" is the act of securing the person of a student and escorting that student from the school building or school activity at which the student is located.~~
- ~~F. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.~~
- ~~G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.~~

IV. REMOVAL OF STUDENTS FROM SCHOOL GROUNDS

~~A. Removal By Crisis Team~~

~~If the behavior of a student with an IEP escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan, if applicable. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health and safety, or property of the student, other students or staff members, or school property, the crisis team may remove the student from school grounds.~~

~~If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.~~

~~B. Removal By Police Liaison Officer or Peace Officer~~

~~If a student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.~~

~~If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.~~

~~Whether or not a student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime~~

~~committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.~~

~~The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.~~

~~C. Reasonable Force Permitted~~

~~In removing a student from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to self or a nother.~~

~~In removing a student from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:~~

- ~~1. Corporal punishment prohibited by Minn. Stat. § 121A.58;~~
- ~~2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;~~
- ~~3. Totally or partially restricting a child's senses as punishment;~~
- ~~4. Denying or restricting a child's access to equipment and devices such as walkers, wheel chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;~~
- ~~5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Stat. § 626.556;~~
- ~~6. Physical holding (as defined in Minn. Stat. § 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;~~
- ~~7. Withholding regularly scheduled meals or water; and/or~~
- ~~8. Denying a child access to toilet facilities.~~

~~D. Parental Notification~~

~~The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal or use of a restrictive procedure.~~

~~E. Continued Removals; Review of IEP~~

~~Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIP.~~

~~F. Effect of Policy in an Emergency; Use of Restrictive Procedures~~

~~A student may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.~~

~~If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minn. Stat § 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942.~~

~~G. Reporting to the Minnesota Department of Education (MDE)~~

~~Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of prone restraints. By June 30 of each year, districts must report summary data on the use of restrictive procedures to the MDE, in a form and manner determined by the Commissioner. The summary data must include information about the use of restrictive procedures, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.~~

~~Legal References:~~ ~~Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.67, Subd. 2 (Aversive and Deprivation Procedures)
Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy (FERPA))~~

~~20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))~~
~~34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)~~

~~**Cross-References:** MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 806 (Crisis Management Policy)~~

~~Replacing: Policy 5093~~

~~First Reading: 5/17/2016~~

~~**Adopted: 6/21/2016 ISD 709**~~

532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPS FROM SCHOOL GROUNDS

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to **use a restrictive procedure or** remove, if necessary, a student **with an individualized education program (IEP)** from school grounds. ~~This includes students with or without an Individualized Education Program (IEP).~~

II. GENERAL STATEMENT OF POLICY

The school district is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.

If a student **with an IEP** engages in **conduct, which, in the judgment of school personnel, endangers or may endanger the health, safety, o property of the student, other students, staff members, or school property, that student may be removed** ~~behavior that constitutes an emergency, that student may be subject to the use of restrictive procedures and/or the removal~~ from school grounds in accordance with this policy.

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A F.** "Student with an IEP" **or "the student"** means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- B C.** "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- € D.** "Police liaison officer" is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to

promote school safety, security, and positive relationships with students.

- Ⓓ A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- E. The phrase "remove the student from school grounds" is the act of securing the person of a student **with an IEP** and escorting that student from the school building or school activity at which the student **with an IEP** is located.
- F B. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENTS FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan, ~~if~~ **applicable**. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health and safety, or property of the student, other students or staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student **with an IEP** engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not a student **with an IEP** engages in conduct which endangers or may endanger the health, safety, or property of the student, other students,

staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In removing a student from school grounds, a building administrator, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to self or another.

In removing a student from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by ~~Minn. Stat. § Minnesota Statutes section~~ 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheel chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under ~~Minn. Stat. § 626.556 Minnesota Statutes Chapter 260E~~;
6. Physical holding (as defined in ~~Minn. Stat. § Minnesota Statutes section~~ 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or

8. Denying a child access to toilet facilities.

D. Parental Notification

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal or use of a restrictive procedure.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student **with an IEP** may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by **Minn. Stat. § Minnesota Statuets section 125A.0942, Subd. 5**, and otherwise comply with the requirements of § 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (**Willie Jett**) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of **prone restraints seclusion**. By **June 30 January 15, April 15, July 15, and October 15** of each year, districts must report **summary data on the use of restrictive procedures to the MDE**, in a form and manner determined by the Commissioner, **about individual students who have been secluded**. By **July 15** each year, districts must report **The summary data**. The **summary data** must include information **about** on the use of restrictive procedures **for the prior school year, July 1 through June 30**, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
 Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
 Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
 Minn. Stat. § 121A.67 (**Removal by Police Officer**), ~~Subd. 2 (Aversive and Deprivation Procedures)~~

Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
 Minn. Stat. § 609.06 (Authorized Use of Force)
 Minn. Stat. § 609.379 (Permitted Actions)
 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education ~~Improvement Act of 2004 (IDEA)~~)
 34 C.F.R. § 300.535 (~~Referral to Action by IDEA Regulation Regarding Involvement of~~ Law Enforcement and Judicial Authorities)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 507 (Corporal Punishment)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA/MASA Model Policy 525 (Violence Prevention)
 MSBA/MASA Model Policy 806 (Crisis Management Policy)

Replacing: Policy 5093

First Reading: 5/17/2016

Adopted:6/21/2016 ISD 709

514 BULLYING PROHIBITION POLICY

I. PURPOSE

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

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

This policy protects all students against bullying behavior including bullying behavior on the basis of actual or perceived race, ethnicity, color, creed, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, status with regard to public assistance, age, military status, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Minnesota Human Rights Act (Chapter 363A).

II. DEFINITIONS

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

- A. there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the conduct and the conduct is repeated or forms a pattern; or
- B. 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.

"Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

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

- A. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
- B. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or

- C. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic as defined in the MHRA. However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

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

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

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

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

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

"Building Report Taker" is language from the Safe and Supportive Schools legislation and in the Duluth School District means the Building Principal or Designee. This policy will refer to the "Building Report Taker" as "Principal or Designee" throughout the document.

III. STATEMENT OF PROHIBITION

An act of bullying, by either an individual student or a group of students, is expressly prohibited on Duluth School District property or at school-related functions. This policy also applies to any student whose conduct at any time or in any place constitutes

bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.

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

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

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

No District employee, volunteer, or contractor shall permit, condone, or tolerate bullying.

IV. REPORTING PROCEDURE

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

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

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

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

The principal or designee 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 principal or designee or a third party designated by the school district shall be responsible for the investigation. The principal or designee shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

A District employee, volunteer, or contractor shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may

constitute bullying shall make reasonable efforts to address and resolve the prohibited conduct and inform principal or designee immediately. District employees who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.

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

The Duluth School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Duluth School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

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

V. PREVENTION, INVESTIGATION, AND RESPONSE

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

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

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

Investigation - Investigation of a bullying incident shall be initiated as soon as possible but no later than three school days of receipt of a report. The Duluth School District may take immediate steps, at its discretion, to protect the target or victim of bullying or other prohibited conduct, the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law. When investigating a complaint, the principal/designee may take into account following factors:

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

The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

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

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

Duluth School District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; Duluth School District policies; and regulations.

School officials will notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report. The Duluth School District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the Duluth School District.

In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the District shall, when determined appropriate by the child's individualized education program ("IEP") team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

Appeal - Any party who is not satisfied with the outcome of the investigation may appeal to the district's Office of the Assistant Superintendent within 10 school days of notification of the principal/designee's decision. The Assistant Superintendent or

designee will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The Assistant Superintendent or designee shall notify the party requesting the appeal and the principal that its decision is final and shall document that notification with the appeal.

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

VI. REPRISAL

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

VII. RECORDS

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

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

VIII. PROFESSIONAL DEVELOPMENT AND EDUCATION

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

Staff - Professional development will:

- A. Be required on a three year cycle for all school personnel to prevent, identify, and respond to bullying behavior. Newly employed district employees must receive the training within the first year of their employment with the district or school. A district or school administrator may accelerate the training cycle or provide additional training based on particular needs or circumstances.
- B. Require ongoing professional development, consistent with Minnesota Statutes Section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. The content of such professional development shall include, but not be limited to:
 1. Developmentally appropriate strategies to prevent incidents of bullying and to

intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.

2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.
3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk and any specific interventions that may be particularly effective for addressing bullying behavior related to bias.
4. Recognizing, responding to and reporting bullying.
5. Information about the incidence and nature of cyber bullying.
6. Information about Internet safety issues as they relate to cyber bullying.
7. Student staff relationships and initial responses to students making a report.
8. A review of the district's reporting requirements related to bullying and cyber bullying.

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

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

IX. NOTICE

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

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

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

Bullying)

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

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

Replacing: Policy 5084
First Reading: 7/18/2017
Adopted: 8/22/2017 ISD709

Adopted: _____

MSBA/MASA Model Policy 514

Orig. 2003

Revised: _____

Rev. 2022

514 BULLYING PROHIBITION POLICY***[Note: School districts are required by statute to have a policy addressing bullying.]*****I. PURPOSE**

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

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may take into account the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;

3. Past incidences or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

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

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

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

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

III. DEFINITIONS

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

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

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

- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
 1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;

2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. "Student" means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE

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

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

party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

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

V. SCHOOL DISTRICT ACTION

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

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

VI. RETALIATION OR REPRISAL

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

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minnesota Statutes section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. 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 school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

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

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

in the student handbook.

VIII. NOTICE

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

IX. POLICY REVIEW

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

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

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 MSBA/MASA Model Policy 413 (Harassment and Violence)
 MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 MSBA/MASA Model Policy 423 (Employee-Student Relationships)
 MSBA/MASA Model Policy 501 (School Weapons Policy)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 507 (Corporal Punishment)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
 MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)

MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

514 BULLYING PROHIBITION POLICY

I. PURPOSE

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

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

~~This policy protects all students against bullying behavior including bullying behavior on the basis of actual or perceived race, ethnicity, color, creed, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, status with regard to public assistance, age, military status, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Minnesota Human Rights Act (Chapter 363A).~~

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

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to

participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.

- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may take into account the following factors:
 1. The developmental ages and maturity levels of the parties involved;
 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 3. Past incidences or past or continuing patterns of behavior;
 4. The relationship between the parties involved; and
 5. The context in which the alleged incidents occurred.

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

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

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

- G. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any

student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

III. DEFINITIONS

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

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
1. there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the conduct and the conduct is repeated or forms a pattern; or
 2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

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

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

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

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

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

"On Duluth Public Schools property or at school-related functions **or on school transportation**" means all district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for Duluth School District purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. Duluth School District property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the Duluth School District does not represent that it will provide supervision or assume liability at these locations and events.

~~"Building Report Taker" is language from the Safe and Supportive Schools legislation and in the Duluth School District means the Building Principal or Designee. This policy will refer to the "Building Report Taker" as "Principal or Designee" throughout the document.~~

STATEMENT OF PROHIBITION

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

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

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

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

~~No District employee, volunteer, or contractor shall permit, condone, or tolerate bullying.~~

IV. REPORTING PROCEDURE

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

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

Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well

The Duluth School District has made available to the reporting party or complainant the use of a report form. ~~See the Parent & Student Handbook,~~ Contact the Principal, or Duluth Public Schools District Website at isd709.org/families/bullying-harassment to access bullying report forms.

The building principal or designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the ~~principal or designee building report taker~~, the complaint shall be made directly with the Assistant Superintendent or Superintendent of the Duluth School District. Please see our Parent & Student Handbook or Duluth Public Schools District Website at isd709.org for Principal and Duluth Public Schools District contact information.

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

individuals as appropriate.

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

Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. **The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.**

The Duluth School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Duluth School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

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

V. ~~PREVENTION, INVESTIGATION, AND RESPONSE~~ SCHOOL DISTRICT ACTION

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

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

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

~~Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.~~

~~The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others,~~

pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law. When investigating a complaint, the ~~principal or designee~~ the building report taker may take into account following factors:

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

The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

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

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

- For the student harmed: Protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Support may include: safety planning, student conference(s), referral to student support staff for one-to-one support or social skills training; check-in and/or check-out with a trusted adult in the school; and choice to participate in a restorative process - facilitated by a trained facilitator. When an incident includes documentation through an office discipline referral, information regarding the student harmed will be included on the referral.
- For the student who violated the prohibited conduct policy: Schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, and age-appropriate and should match the severity of the student's behavior and their developmental age. The response must be a natural and logical match to the prohibited behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes. Responses may include but are not limited to:
 - Safety planning
 - Student conference(s)
 - Working with parents of involved students
 - Teaching/reteaching of desired skills or behavior
 - Reinforcing desired skills or behaviors
 - School disciplinary action (detention, suspension, etc.)

- Connecting students/families to school, district, community resources
- Consideration of a restorative process if all parties are prepared and willing

~~Duluth School District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; Duluth School District policies; and regulations.~~

~~The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.~~

In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the District shall, when determined appropriate by the child's individualized education program ("IEP") team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

Investigation of a bullying incident shall be initiated as soon as possible but no later than three school days of receipt of a report. The Duluth School District may take immediate steps, at its discretion, to protect the target or victim of bullying or other prohibited conduct, the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.

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.

School officials will notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report. ~~The Duluth School District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the Duluth School District.~~

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

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

VI. RETALIATION OR REPRISAL

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

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

VII. RECORDS

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

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

VIII. PROFESSIONAL DEVELOPMENT TRAINING AND EDUCATION

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

~~Staff Professional development will:~~

- A. ~~Be required on a three-year cycle for all school personnel to prevent, identify, and respond to bullying behavior.~~ The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed district employees must receive the training within the first year of their employment with the district or school. A district or school administrator may accelerate the training cycle or provide additional training based on particular needs or circumstances. This policy shall be included in employee handbooks, training materials, and/or publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

- B. **The school district shall** require ongoing professional development, consistent with Minnesota Statutes Section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. The content of such professional development shall include, but not be limited to:
1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.
 2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.
 3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk and any specific interventions that may be particularly effective for addressing bullying behavior related to bias.
 4. Recognizing, responding to and reporting bullying.
 5. Information about the incidence and nature of cyberbullying.
 6. Information about Internet safety issues as they relate to cyberbullying.
 7. Student-staff relationships and initial responses to students making a report.
 8. A review of the district's reporting requirements related to bullying and cyberbullying.

Student Education - Each school shall incorporate into the school curriculum developmentally appropriate programmatic instruction to help students identify, prevent and reduce bullying and create a safe learning environment, **including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.**

The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.

The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

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

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

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

IX. NOTICE

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

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

This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.

This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.

Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.

This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.

The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

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

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

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 MSBA/MASA Model Policy 413 (Harassment and Violence)
 MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 MSBA/MASA Model Policy 423 (Employee-Student Relationships)
 MSBA/MASA Model Policy 501 (School Weapons Policy)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 507 (Corporal Punishment)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Replacing: Policy 5084
First Reading: 7/18/2017
Adopted: 8/22/2017 ISD709

Adopted: _____

MSBA/MASA Model Policy 515

Orig. 1995

Revised: _____

Rev. 2022

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, 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 school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

B. Biometric Record

"Biometric record," as referred to in "Personally Identifiable," means a record of one or more 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 school or schools in the school district, 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 a school or schools in the school district.

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.

[Note: This definition includes all of the types of information specifically referenced by state and federal law as directory information. A school district may choose not to designate some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is not information that generally would be deemed as an invasion of privacy or information that references the student’s religion, race, color, social position, or nationality. Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board who must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district.]

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 school district or by a party acting for the school district.
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 school district are not disclosed to the unit, and the law enforcement records are:
 - (1) maintained separately from education records;
 - (2) maintained solely for law enforcement purposes; and
 - (3) disclosed only to law enforcement officials of the same jurisdiction.
 - c. Records relating to an individual, including a student, who is employed by the school district which:
 - (1) are made and maintained in the normal course of business;
 - (2) relate exclusively to the individual in that individual's capacity as an employee; and
 - (3) are not available for use for any other purpose.

However, records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student are education records.
 - d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:
 - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

(2) made, maintained, or used only in connection with the provision of treatment to the student; and

(3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

e. Records created or received by the school district after an individual is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

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

F. 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 school or employee's contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student's education;

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 school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

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 school district 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 school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

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.

~~*[Note: School districts may wish to reference police liaison officers in the definition of a "school official." Depending on the circumstances of the relationship, this may be added in subpart (d) of the definition or in a new subpart (e). Caution should be used to ensure that police liaison officers are considered "school officials" only when performing duties as a police liaison officer and that they are trained as to their obligations pursuant to this policy. Consultation with the school district's legal counsel is recommended.]*~~

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 a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 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 school district 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 school district 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 school district 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 school district shall provide him or her with a copy of the records disclosed; and
 - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records

disclosed.

4. A signed and dated written consent may include a record and signature in electronic form that:
 - a. identifies and authenticates a particular person as the source of the electronic consent; and
 - b. indicates such person's approval of the information contained in the electronic consent.

5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
 - a. in plain language;
 - b. dated;
 - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - d. specific as to the nature of the information the subject is authorizing to be disclosed;
 - e. specific as to the persons or agencies to 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 a school district that are subject to third party reimbursement.

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
 - a. performs an institutional service or function for which the school district would otherwise use employees;
 - b. is under the direct control of the school district with respect to the use and maintenance of education records; and
 - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917, *[insert the following if the school district has a policy regarding Staff Notification of Violent Behavior by Students]* and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, the school district will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.

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

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization 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 school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy 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 school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;
8. To accrediting organizations in order to carry out their accrediting functions;

9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 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 school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;
11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, 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 school district may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the 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 school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;

15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
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 principal or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minnesota Statutes section 260B.171, subdivision 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the

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

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

The principal must delete the peace officer's record from the student's 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 superintendent 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 school district 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 school district may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an "education record," the school district may release records that only contain information about an individual obtained after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of the school district).

C. Present Students and Parents

The school district may disclose directory information from the education records of a

student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

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

[Note: Federal law allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the school district chooses to impose these limitations, it is advisable to add a new paragraph VII.C.1.d. that specifies that disclosures of directory information will be limited to specific parties and/or for specific purposes and identify those parties and/or purposes. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. This is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure, but also the additional administrative requirements such restrictions will place on the school district.]

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

is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

B. Private Records Not Accessible to Parent

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

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 school district must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under 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 school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes Chapter 260E.

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 school district 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 school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district 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 school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;
 - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
 - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.
5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

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

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

- A. The school district will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the school district, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data 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 school, 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., building principal*] 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 school district will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

XII. LIMITS ON REDISCLOSURE

A. Redisclosure

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

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
 - a. The disclosures meet the requirements of Section VI. of this policy; and
 - b. The school district 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 school district 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.

[Note: 42 United States Code section § 14071 was repealed. School districts should retain this statutory reference, however, as it remains a reference in FERPA and the Minnesota Government Data Practices Act and still may apply to individuals required to register prior to the repeal of this law.]

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school district.

D. Notification

The school district shall 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 school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

The building principal shall submit to the responsible authority a written plan 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 school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record, with the education records of the student, 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 school district discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:
 - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school district;
 - 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 school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to 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.

[Note: While Section XIII.E.1. does not apply to requests for or disclosures of directory information under Section VII. of this policy, to the extent the school district chooses to limit the disclosure of directory information to specific parties, for specific purposes, or both, it is advisable that records be kept to identify the party to whom the disclosure was made and/or purpose for the disclosure.]

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

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the 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 school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
 - a. the cost of materials, including paper, used to provide the copies;
 - b. the cost of the labor required to prepare the copies;
 - c. any schedule of standard copying charges established by the school district in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine-based record-keeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal 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 school district amend those records.

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

B. Right to a Hearing

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

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

C. Conduct of Hearing

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

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of 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 school district'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 school district may not require such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate,

misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;

3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated 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 school district 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 school district has determined to have legitimate educational interests; and
6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

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

C. Notification to Parents or Eligible Students Who are Disabled

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

XX. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by the school district 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 superintendent's office.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.393 (Attorneys)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
Minn. Stat. Ch. 256L (MinnesotaCare)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer

Records of Children)
 Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
 Minn. Stat. § 363A.42 (Public Records; Accessibility)
 Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
 Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
 10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
 18 U.S.C. § 2331 (Definitions)
 18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
 20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
 20 U.S.C. § 7908 (Armed Forces Recruiting Information)
 20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
 25 U.S.C. § 5304 (Definitions – Tribal Organization)
 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
 42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)
 42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)
 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
 42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273 309 (2002)
 Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

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

~~5060—COLLECTION, MAINTENANCE, DISSEMINATION, AND RETENTION OF STUDENT RECORDS AND INFORMATION~~

~~Schools maintain extensive and intimate information about students and their families for legitimate educational purposes, including instructional, guidance, evaluation, and research. The collection and maintenance of information about students or their families constitutes an intrusion into their privacy. Therefore, efficient administration of student records is a fundamental responsibility of the School District.~~

~~The internet and secure web access have altered the ways that confidential information may be accessed, communicated, and transferred by members of society. Those changes are influencing instruction and student learning. The School Board supports access by students, parents/guardians, teachers, and administrators to informational resources that will improve participation in a child's education and improve communication between students, parents/ guardians, and the students' teachers.~~

~~The Duluth Public Schools manages student information electronically and will make the education records available for viewing only to authorized parents/guardians and students with a secure connection over the internet. All parents/guardians and students will comply with the internet use regulations and all technology regulations/procedures, as well as all other District policies that may apply.~~

~~The purpose of a Records Retention policy is to provide a plan for managing student records by giving continuing authority to dispose of records under Minn. Statute 138.17. The responsible authority for the maintenance and security of student records shall be the Superintendent of Schools.~~

~~Previously, the School District adopted the Student Records section of the School District General Records Retention Schedule as developed and published by the Minnesota Department of Administration (School Board Resolution B-7-99-1913 dated July 20, 1999). The District will comply with all of the minimum standards set out in the Retention Schedule. Although the District reserves the right to retain certain records for a period longer than the State proposes, it will not shorten any retention period to less than what is recommended by the Department of Administration.~~

~~Special Education Records~~

~~All records of students receiving special education services will be retained for at least seven years following the last date of eligibility for services to the student. The "last date of eligibility for services" means either the student's graduation or the last day on which the student was eligible for services from the District, whichever is later.~~

~~Reference: MN Data Practices Act, Chap 13~~

~~Adopted: 06-09-1970 ISD-709~~

~~Revised: 09-21-2010~~

~~05-17-2005~~

~~06-20-1995~~

~~05-09-1989~~

~~06-10-1986~~

~~05-11-1976~~

~~05-20-2014 ISD-709~~

Adopted: _____

MSBA/MASA Model Policy 516.5
Orig. 2023

Revised: _____

516.5 OVERDOSE MEDICATION

[Note: School districts are not required to adopt a policy on the use of emergency drugs for the treatment of drug-related overdoses. School districts and their employees are legally permitted to purchase, store, and administer Naloxone (Narcan) in response to an opiate overdose in schools and those who do assist with such administration are immune from civil liability as well as exempt from criminal prosecution from possession, use, etc. of a prescription medication, particularly to an individual to whom it was not prescribed. The provisions of this policy outline the requirements of the law with respect to the use of Naloxone (Narcan) in schools.]

I. PURPOSE

As a means of enhancing the health and safety of its students, staff and visitors, the school district will acquire, administer, and store doses of an opiate antagonist, specifically Naloxone (Narcan)¹, and administration devices or kits for emergency use to assist a student, staff member, or other individual believed or suspected to be experiencing an opioid overdose on school district property during the school day ~~or at school district activities.~~

II. GENERAL STATEMENT OF POLICY

The school board authorizes school district administration to obtain and possess opioid overdose reversal medication, such as Naloxone to be maintained and administered to a student or other individual by trained school staff if the staff member determines in good faith that the person to whom the medication is administered is experiencing an opioid overdose. Authorization for obtaining, possessing and administering Naloxone or similar permissible medications under this policy are contingent upon: 1) the continued validity of state and federal law that permit a person who is not a healthcare professional to dispense an opiate antagonist to the school district and its employees by law; 2) that the school district and its staff are immune from criminal prosecution and not otherwise liable for civil damages for administering the opiate antagonist to another person who the staff member believes in good faith to be suffering from a drug overdose; and 3) the availability of funding either from outside sources or as approved by the school board to obtain and administer opioid overdose reversal medication.

III. DEFINITIONS

- A. **"Drug-related overdose"** means an acute condition, including mania, hysteria, extreme physical illness, respiratory depression or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.
- B. **"Naloxone Coordinator"** is a school district staff person or administrator appointed to monitor adherence to protocols outlined in this policy and referenced procedures. The Naloxone Coordinator is responsible for building-level administration and management of Opiate Antagonist medications and supplies. The school district's Naloxone Coordinator is [insert title of staff person appointed as coordinator].

¹ Naloxone is the medication that reverses an opioid overdose. Narcan® is the brand name for the intranasal applicator (nasal spray) form of naloxone. Naloxone usually refers to an intramuscular (IN+M) naloxone form that comes in a vial and is administered with a syringe, normally dispensed as an "IM kit."

- C. **"Opiate"** means any dangerous substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability.
- D. **"Opiate Antagonist"** means naloxone hydrochloride ("Naloxone") or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.
- E. **"Standing Order"** means directions from the ~~school district's~~ medical provider that sets forth how to house and administer Naloxone or other Opiate Antagonist medications to students, staff members or other individuals believed or suspected to be experiencing an opioid overdose. This Standing Order should include the following information:
 - 1. Administration type
 - 2. Dosage
 - 3. Date of issuance
 - 4. Signature of the authorized provider

IV. GENERAL STATEMENT OF POLICY AND RESPONSIBILITIES

- A. District Collaborative Planning and Implementation Team

To the extent Naloxone is obtained for use consistent with this policy, the school district will establish a district-wide collaborative planning and implementation team ("District Planning Team") who will oversee the general development and operations related to the use of opiate antagonist Naloxone and regularly report to the school board as to its activities.

- 1. The District Planning Team will include the Naloxone Coordinator and may include the superintendent (or designee), school nurse, public health experts, first responders, student or family representatives, and community partners who will be assigned to the Team by the superintendent or designee or solicited as volunteers by the superintendent.
- 2. The District Planning Team, through the Naloxone Coordinator, will obtain a protocol or Standing Order from a licensed medical prescriber for the use of Naloxone or other Opiate Antagonist by school district staff ~~in all school facilities and activities~~ and will update or renew the protocol or Standing Order annually or as otherwise required. A copy of the protocol or Standing Order will be maintained in the office of the Naloxone Coordinator.
- 3. The District Planning Team will develop district-wide guidelines and procedures and determine the form(s) of Naloxone to be used within the school district (nasal, auto injector, manual injector) and the method and manner of arranging for the financing and purchasing, storage and use of Naloxone to be approved by the school board. Once approved by the school board, these guidelines and procedures will be attached and incorporated into this policy. At a minimum, these guidelines and procedures will:
 - a. Ensure that when Naloxone is administered, school district employees must activate the community emergency response system (911) to

ensure additional medical support due to the limited temporary effect of Naloxone and the continued need of recipients of additional medical care;

- b. Require school district employees to contact a school district healthcare professional to obtain medical assistance for the recipient of the Naloxone, if possible, pending arrival of emergency personnel;
 - c. Direct school district employees to make immediate attempts to determine if the recipient is a minor and, if so, locate the identity of the parent or guardian of the minor and ensure contact with that parent or guardian is made as soon as possible after administration of the Naloxone for the purpose of informing the parent or guardian of the actions that have been taken; and
 - d. Require school district staff to inform the building administrator or other administrator overseeing an event or activity of the administration of Naloxone, as well as the Naloxone Coordinator, after taking necessary immediate emergency steps.
4. The District Planning Team will determine the type and method of annual training, identify staff members at each school site to be trained and coordinate the implementation of the training with the assistance of the Naloxone Coordinator.

B. Site Planning Teams

- 1. In consultation with the District Planning Team, the administrator at each school site may establish, in the manner the superintendent or Naloxone Coordinator deems appropriate, a Site Planning Team within the school site.
- 2. The Site Planning Team will be responsible for the coordination and implementation of this policy, district-wide guidelines and procedures within the school site and will develop and implement any specific guidelines and procedure for the storage and use of Naloxone within the school site in a manner consistent with this policy and district wide procedures and guidelines.

C. School District Staff

School district staff members will be responsible for attending all required training pertaining to the policy, procedures and guidelines for the storage and use of Naloxone and performing any assigned responsibilities pursuant to the guidelines and procedures.

V. NALOXONE STORAGE

- A. The Site Planning Team will select ~~numerous~~ Naloxone storage locations within the school site ~~and outside the school site when activities are conducted off school grounds (i.e., transportation services, field trips, etc.).~~

[Note: School districts may decide that Naloxone will not be sent on field trips, transportation or activities that occur outside of the typical school day or off school property and may modify this statement accordingly. If Naloxone is provided during these auxiliary activities, schools should ensure that it is only provided if there is an available trained staff member to administer it and that the medication can be safely and legally stored and transported.]

- B. The selected storage locations of Naloxone will be classified as non-public "security information" as the school board has determined that the disclosure of this data to the general public would be likely to substantially jeopardize the security of the medication that could be subject to theft, tampering, and improper use. Therefore, the identity of the storage locations will be shared only with those school district staff members whom the District Planning Team or Site Team have determined need access to this information to aid public health and safety as determined in the procedures and guidelines.
- C. Stock Naloxone will be clearly labeled, monitored for expiration dates, and stored in a secured location that is accessible by trained staff as set forth in paragraph V.B.

VI. Privacy Protections

The school district will maintain the privacy of students and staff related to the administration of Naloxone as required by law.

Legal References: Minn. Stat. § 13.32 (Educational Data)
 Minn. Stat. § 13.43 (Personnel Data)
 Minn. Stat. § 13.37 (General Nonpublic Data)
 Minn. Stat. § 121A.21 (School Health Services)
 Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
 Minn. Stat. § 144.344 (Emergency Treatment)
 Minn. Stat. § 151.37 (Legend Drugs; Who May Prescribe, Possess)
 Minn. Stat. § 152.01 (Definitions)
 Minn. Stat. § 152.02 (Schedules of Controlled Substances)
 Minn. Stat. § 152.212 (Labeling of Prescription Drug Containers)
 Minn. Stat. § 604A.01 (Good Samaritan Law)
 Minn. Stat. § 604A.015 (School Bus Driver Immunity from Liability)
 Minn. Stat. § 604A.04 (Good Samaritan Overdose Prevention)
 Minn. Stat. § 604A.05 (Good Samaritan Overdose Medical Assistance)
 Minn. R. Pt. 6800.4220 (Schedule II Controlled Substances)
 20 U.S.C. § 1232g (Family Educational and Privacy Rights)

Cross Reference: MSBA/MASA Model Policy 516 (Student Medication)
 Minnesota Department of Health Toolkit on the Administration of Naloxone

First Reading:

516.5 OVERDOSE MEDICATION

I. PURPOSE

As a means of enhancing the health and safety of its students, staff and visitors, the school district will acquire, administer, and store doses of an opiate antagonist, specifically Naloxone (Narcan)¹, and administration devices or kits for emergency use to assist a student, staff member, or other individual believed or suspected to be experiencing an opioid overdose on school district property during the school day.

II. GENERAL STATEMENT OF POLICY

The school board authorizes school district administration to obtain and possess opioid overdose reversal medication, such as Naloxone to be maintained and administered to a student or other individual by trained school staff if the staff member determines in good faith that the person to whom the medication is administered is experiencing an opioid overdose. Authorization for obtaining, possessing and administering Naloxone or similar permissible medications under this policy are contingent upon: 1) the continued validity of state and federal law that permit a person who is not a healthcare professional to dispense an opiate antagonist to the school district and its employees by law; 2) that the school district and its staff are immune from criminal prosecution and not otherwise liable for civil damages for administering the opiate antagonist to another person who the staff member believes in good faith to be suffering from a drug overdose; and 3) the availability of funding either from outside sources or as approved by the school board to obtain and administer opioid overdose reversal medication.

III. DEFINITIONS

- A. **"Drug-related overdose"** means an acute condition, including mania, hysteria, extreme physical illness, respiratory depression or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.
- B. **"Naloxone Coordinator"** is a school district staff person or administrator appointed to monitor adherence to protocols outlined in this policy and referenced procedures. The Naloxone Coordinator is responsible for building-level administration and management of Opiate Antagonist medications and supplies. The school district's Naloxone Coordinator is [insert title of staff person appointed as coordinator].
- C. **"Opiate"** means any dangerous substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability.
- D. **"Opiate Antagonist"** means naloxone hydrochloride ("Naloxone") or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.
- E. **"Standing Order"** means directions from the medical provider that sets forth how to house and administer Naloxone or other Opiate Antagonist medications to students, staff members or other individuals believed or suspected to be experiencing an opioid overdose. This Standing Order should include the following information:
 - 1. Administration type

¹ Naloxone is the medication that reverses an opioid overdose. Narcan® is the brand name for the intranasal applicator (nasal spray) form of naloxone. Naloxone usually refers to an intramuscular (IN+M) naloxone form that comes in a vial and is administered with a syringe, normally dispensed as an "IM kit."

2. Dosage
3. Date of issuance
4. Signature of the authorized provider

IV. GENERAL STATEMENT OF POLICY AND RESPONSIBILITIES

A. District Collaborative Planning and Implementation Team

To the extent Naloxone is obtained for use consistent with this policy, the school district will establish a district-wide collaborative planning and implementation team ("District Planning Team") who will oversee the general development and operations related to the use of opiate antagonist Naloxone and regularly report to the school board as to its activities.

1. The District Planning Team will include the Naloxone Coordinator and may include the superintendent (or designee), school nurse, public health experts, first responders, student or family representatives, and community partners who will be assigned to the Team by the superintendent or designee or solicited as volunteers by the superintendent.
2. The District Planning Team, through the Naloxone Coordinator, will obtain a protocol or Standing Order from a licensed medical prescriber for the use of Naloxone or other Opiate Antagonist by school district staff at designated school sites and will update or renew the protocol or Standing Order annually or as otherwise required. A copy of the protocol or Standing Order will be maintained in the office of the Naloxone Coordinator.
3. The District Planning Team will develop district-wide guidelines and procedures and determine the form(s) of Naloxone to be used within the school district (nasal, auto injector, manual injector) and the method and manner of arranging for the financing and purchasing, storage and use of Naloxone to be approved by the school board. Once approved by the school board, these guidelines and procedures will be attached and incorporated into this policy. At a minimum, these guidelines and procedures will:
 - a. Ensure that when Naloxone is administered, school district employees must activate the community emergency response system (911) to ensure additional medical support due to the limited temporary effect of Naloxone and the continued need of recipients of additional medical care;
 - b. Require school district employees to contact a school district healthcare professional to obtain medical assistance for the recipient of the Naloxone, if possible, pending arrival of emergency personnel;
 - c. Direct school district employees to make immediate attempts to determine if the recipient is a minor and, if so, locate the identity of the parent or guardian of the minor and ensure contact with that parent or guardian is made as soon as possible after administration of the Naloxone for the purpose of informing the parent or guardian of the actions that have been taken; and
 - d. Require school district staff to inform the building administrator or other administrator overseeing an event or activity of the

administration of Naloxone, as well as the Naloxone Coordinator, after taking necessary immediate emergency steps.

4. The District Planning Team will determine the type and method of annual training, identify staff members at each school site to be trained and coordinate the implementation of the training with the assistance of the Naloxone Coordinator.

B. Site Planning Teams

1. In consultation with the District Planning Team, the administrator at each school site may establish, in the manner the superintendent or Naloxone Coordinator deems appropriate, a Site Planning Team within the school site.
2. The Site Planning Team will be responsible for the coordination and implementation of this policy, district-wide guidelines and procedures within the school site and will develop and implement any specific guidelines and procedure for the storage and use of Naloxone within the school site in a manner consistent with this policy and district wide procedures and guidelines.

C. School District Staff

School district staff members will be responsible for attending all required training pertaining to the policy, procedures and guidelines for the storage and use of Naloxone and performing any assigned responsibilities pursuant to the guidelines and procedures.

V. NALOXONE STORAGE

- A. The Site Planning Team will select ~~numerous~~ Naloxone storage locations within the school site.
- B. The selected storage locations of Naloxone will be classified as non-public "security information" as the school board has determined that the disclosure of this data to the general public would be likely to substantially jeopardize the security of the medication that could be subject to theft, tampering, and improper use. Therefore, the identity of the storage locations will be shared only with those school district staff members whom the District Planning Team or Site Team have determined need access to this information to aid public health and safety as determined in the procedures and guidelines.
- C. Stock Naloxone will be clearly labeled, monitored for expiration dates, and stored in a secured location that is accessible by trained staff as set forth in paragraph V.B.

VI. Privacy Protections

The school district will maintain the privacy of students and staff related to the administration of Naloxone as required by law.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 13.37 (General Nonpublic Data)
Minn. Stat. § 121A.21 (School Health Services)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 144.344 (Emergency Treatment)
Minn. Stat. § 151.37 (Legend Drugs; Who May Prescribe, Possess)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.02 (Schedules of Controlled Substances)

Minn. Stat. § 152.212 (Labeling of Prescription Drug Containers)
Minn. Stat. § 604A.01 (Good Samaritan Law)
Minn. Stat. § 604A.015 (School Bus Driver Immunity from Liability)
Minn. Stat. § 604A.04 (Good Samaritan Overdose Prevention)
Minn. Stat. § 604A.05 (Good Samaritan Overdose Medical Assistance)
Minn. R. Pt. 6800.4220 (Schedule II Controlled Substances)
20 U.S.C. § 1232g (Family Educational and Privacy Rights)

Cross Reference: MSBA/MASA Model Policy 516 (Student Medication)
Minnesota Department of Health Toolkit on the Administration of Naloxone

First Reading: 04.25.23
Second Reading:

1. Purpose

The Duluth Public School District believes that schools and school property should be safe and secure to protect individuals and their property from harm. To this end, the District supports the controlled use of ~~Closed-Circuit Television (CCTV) video security video/electronic surveillance~~ systems in the district. The District also believes that the privacy of individuals should be protected; and therefore, the use of video security must be strictly controlled to ensure protection of individual rights and compliance with federal and state laws addressing the privacy and disclosure of student records.

2. Signage

Explicit notification shall be accomplished with signage advising of video security systems on district property. Signage shall state: **Security Cameras in Use**

3. Intent of Security System

- a. Review of incidents and disciplinary actions related to school district operations.
- b. Judicious use of the system is implied and expected.
- c. System is reactive, not proactive, and is not intended for real-time surveillance.
- d. Any recording resulting in a disciplinary action constitutes an "educational record" per Family Educational Rights and Privacy Act (FERPA) for all students disciplined due to the incident.
- e. All viewing or releasing of videos involving students must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and FERPA regulations, 20 U.S.C. § 1232g and the rules and/or regulations promulgated thereunder.

4. Viewing

- a. Viewing is defined as visual inspection only.
- b. Administrators who have access to the security cameras, may allow District staff and/or school Liaison Officer(s) to view video for appropriate identification of individual(s) or appropriate disciplinary action.
- c. All viewing requests by non-district staff, including parent/guardians, must be pre-approved by the Superintendent or his/her designee in accordance with FERPA and the Minnesota Government Data Practices Act.

5. Releasing Videos

- a. Release is defined as providing copies.
- b. All videos released outside of ISD#709 containing student data must be subpoenaed in accordance with FERPA, as above.
- c. The Technology Department of ISD709 will keep a copy of all videos released in a secure location.
- d. Fees may be required for all videos released. Fees could include media replacement costs, as well as hourly reimbursement.
- e. All videos must be approved for release by the Superintendent or his/her designee in accordance with the Minnesota Government Data Practices Act. FERPA does not apply unless students are depicted in the video.

Adopted:

532R Regulations and Restrictive Procedures Plan

In accordance with Minnesota Statute 125A.0942, Subd. 1, every school district is required to develop and make public a plan that discloses its use of restrictive procedures. The plan specifically outlines the list of restrictive procedures the school intends to use; how the school will monitor and review the use of restrictive procedures, including post use debriefings and convening an oversight committee; and a written description and documentation of the training and staff that have completed the training.

Duluth Public Schools ISD709 promotes the use of positive behavioral approaches as an intervention for all students. Duluth Public Schools ISD 709 uses restrictive procedures only in response to behavior(s) that constitutes an emergency, even if written into a child's Individualized Education Program (IEP) or Positive Behavior Intervention Plan (BIP).

A. **Definitions**

The following terms are defined as:

1. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury. Emergency does not mean circumstances such as: a child who does not respond to a task or request and instead places his or her head on a desk or hides under a desk or table; a child who does not respond to a staff person's request unless failing to respond would result in physical injury to the child or other individual; or an emergency incident has already occurred and no threat of physical injury currently exists. Minn. Stat. § 125A.094(b).
2. "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury. Minn. Stat. § 125A.0941(c). The term physical holding does not mean physical contact that:
 - a. helps a child respond or complete a task;
 - b. assists a child without restricting the child's movement;
 - c. is needed to administer an authorized health-related service or procedure; or d. is needed to physically escort a child when the child does not resist or the child's resistance is minimal.
3. "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.
4. "Restrictive procedures" means the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child. Minn. Stat. § 125A.0941(f).
5. "Prone restraint" means placing/holding a student in a face down position. Use of Prone restraint under any and all conditions has ended as of August 1, 2015. 6. "Seclusion" means confining a child alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Minn. Stat. § 125A.0941(g). Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

B. Staff Training - Requirements and Additional Training Content Requirements

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Staff who design and use behavioral interventions will complete training in the use of positive approaches as well as restrictive procedures. Training records will identify the content of the training, attendees and training dates. ~~Duluth Department of Special Services #709~~ Duluth Public Schools will compile a list of all Nonviolent Crisis Intervention (NCI) trainings from the Crisis Prevention Institute (CPI) and retain attendance records in the district office.

Additional Training Content

Additional Training Content in the following areas will be provided to district staff and contracted personnel who have routine contact with students and who may use restrictive procedures:

1. Positive behavioral interventions;
2. Communicative intent of behaviors;
3. Relationship building;
4. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
5. De-escalation methods;
6. Standards for using restrictive procedures;
7. Obtaining emergency medical assistance;
8. Physiological and psychological impact of physical holding and seclusion;
9. Monitoring and responding to a child's physical signs of distress when physical holding is being used; and
10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used.

Note: Minimum expectations for training of additional content will be met by sharing additional training content during Non-Violent Crisis Intervention Trainings (full and refresher).

The following employee job classifications are authorized and certified to use restrictive procedures:

- Licensed special education teacher
- School social worker
- School psychologist
- Behavior analyst certified by the National Behavior Analyst Certification Board
- A person with a master's degree in behavior analysis
- Other licensed education professional
- Highly qualified education paraprofessional under Minn. Stat. § 120.B363
- Mental health professional as defined in Minn. Stat. § 245.4871, Subd. 27
- Other staff designated by the building administrator with required training

C. Restrictive Procedures and Seclusion

Restrictive procedures that may be used in emergency situations include physical holding and seclusion. Physical holding and seclusion will end when the threat of harm has ended and staff has determined that the student can safely return to the requested activity. Building nurse or health assistant will monitor and assess the student's physical condition during the restrictive procedure.

Physical Holdings

Duluth Public Schools intend to use the following types of physical holding: Children's Control, Team Control, Transport, and Interim Control. Additionally, situational application of holding principals for lower, medium, and higher level holding in a seated or standing position may be used. Prone restraint is prohibited and may not be used.

Seclusion

Duluth Public Schools do not use any rooms for seclusion.

D. Prohibited Procedures

Duluth Public Schools prohibits the use of the following procedures on a child:

1. Corporal Punishment which includes conduct involving: (a) hitting or spanking a person with or without an object; or (2) unreasonable physical force that causes bodily harm or substantial emotional harm.
2. Requiring the student to assume and maintain specified physical position, activity, or posture that induces physical pain.
3. Presenting an intense sound, light or other sensory stimuli using smell, taste, substance, or spray as punishment.
4. Denying or restricting the students access to equipment and devices such as wheelchairs, hearing aids or communication boards that facilitate the student's functioning except when temporarily removing the equipment or device is needed to prevent injury to the student others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible.
5. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse.
6. Totally or partially restricting a student's senses as punishment.
7. Withholding regularly scheduled meals or water.
8. Denying the student access to bathroom facilities.
9. Physical holding that restricts or impairs a student's ability to breathe.

E. Documentation of a Restrictive Procedure

Each time a restrictive procedure is used, the staff person who implements or oversees the restrictive procedure shall document, as soon as possible after the incident concludes, the following information:

- A description of the incident that led to the restrictive procedure;
- Why a least restrictive intervention failed or was determined by staff to be inappropriate or impractical;
- The time the restrictive procedure began and ended; and
- A brief record of the child's behavioral and physical status.

The use of restrictive procedures in emergency situations will be documented through the use of the Use of Restrictive Procedures - Gen Ed (Google Form) for general education students and Use of Restrictive Procedure-Physical Holding or Seclusion (SpEd Forms) for students who receive special education services.

F. Documentation of Post-Use Staff Debriefing Meeting

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Each time a restrictive procedure is used, the staff person who implemented or oversaw the restrictive procedure shall conduct a post-use debriefing with involved staff within two school days of the incident after the restrictive procedure concludes. There will be at least one staff member attending the debriefing meeting who was not involved in the incident and has behavioral expertise. The Debriefing Meeting will be documented with the Staff Debriefing Meeting Form (Google Form) or Staff Debriefing Meeting Form (SpEd Forms).

If the post-use debriefing meeting reveals that the use of a restrictive procedure was not used appropriately, the Building Oversight Committee will convene immediately to ensure corrective action is taken. The Building Oversight Committee will review and evaluate restrictive procedures documentation and recommend training needs.

G. Keeping of Records

Documentation for all restrictive procedures will be ~~submitted to the administrative assistant to the director of special services (paper copies for all students receiving special services and electronically for all general education students)~~ retained by ISD 709. Records will be retained for at least seven years following the last date of eligibility for students ~~receiving special education services~~ ~~special services to the student~~.

H. Documentation for an IEP

The use of restrictive procedures will be documented on the Use of Restrictive Procedure-Physical Holding (SpEd Forms). Reviews will be conducted in accordance with MN Statute 125A.0942 Subd. 2(c), which requires when restrictive procedures are used on two separate school days within 30 calendar days, or when a pattern emerges and restrictive procedures are not included in a child's IEP or BIP; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual IEP meeting when the child's IEP provides for using restrictive procedures in an emergency. Minn. Stat. § 125A.0942, Subd. 2(c).

If the IEP team determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child. Minn. Stat. § 125A.0942, Subd. 2 (d).

At the meeting, the team will review any known medical or psychological limitations that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BIP. Minn. Stat. §125A.0942, Subd. 2(e).

Record retention will be in accordance with district policies on student records policy #~~5060~~ 515.

I. Building Oversight Committees

At the start of the school year, schools will publicly identify oversight committee members and the purpose of the Building Oversight Committee. For schools that use restrictive procedures, the Building Oversight Committee will meet quarterly to review collected data provided in the documentation of restrictive procedures and debriefing meetings for general education students and students who receive special education. The Committee will complete the Building Oversight Committee Review form quarterly (Google Form). At the end of the school year, the Building Oversight Committee will complete the Annual Summary of Use of Restrictive Procedures form (Google Form). The Building Oversight Committee will make recommendations in regards to the District's Restrictive Procedures Plan, indicate training needs, and establish a plan for addressing Committee recommendations.

For students with an IEP, The oversight committee members must at least include:

- A mental health professional, school psychologist, or school social worker;
- An expert in positive behavior strategies
- A special education administrator; and
- A general education administrator. Minn. Stat. § 125A.0942, Subd. 1(b).

If the post-use debriefing meeting reveals that the use of a restrictive procedure was not used appropriately, the Building Oversight Committee will convene immediately to ensure corrective action is taken. The Building Oversight Committee will review and evaluate restrictive procedures documentation and recommend training needs.

For students with an IEP, The District Oversight Committee (composed of the Special Services Leadership Team and Climate Coordinator) will review the Annual Summary of Use of Restrictive Procedures form (Google Form) from each school building within the school district and assist with future trainings.

J. Notification of Use of Restrictive Procedures

The Duluth Public Schools shall make reasonable efforts to notify the parent by phone on the same day when restrictive procedures are used in an emergency. If the school is unable to provide same-day notice, notice will be sent by written or electronic means or as otherwise indicated by the parent.

Building administrators will receive written or electronic notification when restrictive procedures are used in emergency situations.

K. Positive Behavior Interventions and Supports

Duluth School District #709 is committed to the three aims of: safe and welcoming environment; high achievement for all; and effective and efficient systems. The district is committed to using positive behavioral interventions and supports to ensure a safe and welcoming environment throughout the school district which will allow for the high achievement for all students. Positive behavior interventions and supports improve the school environment and teach children the skills to behave appropriately.

References: MS 125.0942, Subd. 1
MS 125.0942, Subd. 2(c)

Accepted: 6/21/2016 ISD709

Reviewed:

513R Student Promotion, Retention, and Program Design

Purpose

- The purpose of this regulation is to provide a student access to appropriate content when ready ahead of peers.

Acceleration Guidelines

- Acceleration acknowledges that a student has already achieved at the requisite level to qualify for a higher grade placement overall or in a specific subject.
- Acceleration is seen as an intervention within the Multi-Tiered Systems of Support (MTSS) framework to be considered when the current grade level curriculum is a significant mismatch between the student's academic needs, motivation, and readiness.
- Acceleration decisions must involve a comprehensive team (Acceleration Team) discussion guided by an objective and timely process. The Acceleration Team will consist of the building principal, acceleration specialist, the student's classroom teacher, counselor, school psychologist and other personnel as deemed necessary by the individual student's needs (i.e. Special Education Case Manager, English Language (EL) Coordinator, Immersion Program Coordinator, Families in Transition (Homeless) representative, a representative from the Office of Education Equity, American Indian Education representative, social-emotional learning specialist, content specialist).
- The acceleration specialist will maintain communication with the team during the evaluation period.
- The assignment of the student is the legal prerogative of the superintendent or designee.

Whole Grade Acceleration Procedure: (K-8)

1. The acceleration referral is made to the building principal by the parent/guardian or staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time, but should be no later than April 15th for the following fall acceleration.
2. After the acceleration specialist has been notified by the building principal, the acceleration specialist gathers existing student data including at least two documented strategies to meet the student's advanced academic needs, including curriculum compacting and extension/enrichment activities, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.
3. The Acceleration Team will review the existing data.

4. District personnel (acceleration specialist or school psychologist) will administer appropriate assessments which are included on the Iowa Acceleration Scale (IAS), which includes collection of parent information and perspective. If a student's home language is not English, an assessment will be made available in the home language.

5. Following testing, the Acceleration Team will meet to discuss the results, keeping in mind research regarding critical items and criteria for successful grade acceleration as outlined in the assessment. Criteria for grade acceleration may include:
 - Student scores consistently are 95% or higher on curriculum-based assessments.
 - Student achievement skill of approximately two years above grade level in core subject areas as measured by local and/or state assessments.
 - A full-scale ability score of 130 +/- the standard error of measurement.
 - Information from the IAS.

6. The Acceleration Team will make one or more of the following recommendations: The students will continue in regular programs with no changes.
 - Enrichment. The students will receive curriculum-based services or extensions in one or more subjects to be determined by classroom teacher and gifted education/differentiation specialist.
 - Acceleration. The student will accelerate in a specific subject.
 - Acceleration. The student will accelerate one grade level.

7. If acceleration is recommended a Written Acceleration Plan that includes class placement, standardized assessments, and transitions will be developed. The transition plan should address minor gaps that may occur. Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.
 - Assessment:
 - i. A whole-grade accelerated student is required to take all standardized assessments for the grade in which they enroll.
 - A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment). Transition Period:
 - i. A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and counselor will inform the Acceleration Team of student transition progress that includes information from the classroom teacher, parent and student in the

areas of academic and social emotional adjustment. The Acceleration Team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.

8. If acceleration is not recommended the following will be considered.
 - Recommendations for the current grade level will be developed as necessary.
 - Classroom teacher and acceleration specialist will monitor student progress.
9. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the Acceleration Team will be reconvened and provided any additional information.

Subject Acceleration Procedure (K-12)

Note for Credit Bearing Courses: The goal of acceleration is appropriate placement. If a student accelerates beyond a course required for graduation, that graduation requirement will be considered met. The student will receive credit for the course, a grade of "P" and no GPA points. A student may attempt to accelerate beyond a course only once. Students who choose subject acceleration are then fully enrolled in the next course and expected to meet expectations. The grade impacts the GPA. In high school, there are many different ways for students to be challenged in specific subjects. Enriching and accelerated courses include honors, AP, CITS, and CTE. PSEO is also available for students who meet guidelines. We encourage you to explore these options for your high school age student. For more information, please visit <https://www.isd709.org/departments/curriculum-and-instruction/index>

1. The acceleration referral is made to the building principal/counselor by the parent/guardian, student, or staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. If acceleration is recommended, the timing of the acceleration will be determined by the Acceleration Team.
2. After the acceleration specialist has been notified by the building principal, the specialist gathers existing student data including at least two documented strategies to meet student's acceleration needs, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.
3. The Acceleration Team will review the existing data.
4. Subjects Eligible for Acceleration. The following subjects are eligible for acceleration consideration. Placement is dependent upon schedule and availability and class size.
 - a. English Language Arts (must be in English)
 - b. Math
 - c. World Language (must be in target language)
 - d. Music

For students who have had an exceptional learning experience outside of ISD709, please refer to policy 620, credit for learning, for additional opportunities.

5. A student wishing to accelerate may be asked to take a placement assessment that may be written or performance based depending upon the subject. District personnel (acceleration specialist or content specialist) will administer appropriate assessments. The assessment may include a written and/or performance assessment. If a student's home language is not English, an assessment will be made available in the home language.
6. The Acceleration Team will make one or more of the following recommendations:
 - a. The student will continue in the regular class with no changes.
 - b. The student will continue in the regular class with further opportunities for curriculum compacting and/or extension/enrichment.
 - c. Placement. The student will be placed in the appropriate course.
 - d. Acceleration. The student will accelerate in a specific subject.
7. If acceleration is recommended, a Written Acceleration Plan that includes class placement, standardized assessments, and transitions will be developed. The transition plan should address minor gaps that may occur. Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.
 - a. Assessment:
 - i. A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).
 - b. Transition Period:
 - .A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and counselor will inform the Acceleration Team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The Acceleration Team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.
 - c. Transportation:
 - .Transportation is not provided to courses that are located at a site other than the student's home school. In some instances, a course may be available in an online format to help minimize this barrier.

Elementary Retention:

1. Students who do not achieve at a level deemed acceptable by local and state standards may be retained at their current grade level. Efforts will be made to alter the student's program to better suit each student's needs.
2. Retention will be considered when professional staff, in cooperation with the parents, have determined that it is in the best interest of the student. Many factors will be considered prior to making such a decision. Some of the factors to be included are scholastic ability and achievement, physical development, maturity, cultural norms, emotional factors, as well as attendance and age. It is also recommended that the Light Retention Scale be utilized as another tool to assist in the decision. Retention shall not be based on a single factor.
3. Conferences/discussions between school personnel and parents concerning retention should be initiated by the winter conferences and earlier if the situation warrants it.
4. Retention is a decision that must be made between school personnel and the parent (guardian). If school personnel and parents (guardian) disagree over the issue of promotion and/or retention, a conciliation meeting will be held in an attempt to resolve the differences. The Director of Curriculum or designee will conduct the conciliation meeting as soon as possible after it is obvious that the school and parents (guardians) cannot agree. The school of the parent (guardian) may initiate the conciliation meeting by contacting the Director of Curriculum or designee.

Early Admission to Kindergarten Testing Criteria:

1. Your child must score at or above the 90th percentile on the Wechsler Preschool and Primary Scale of Intelligence, Third Edition. Performance at or above the 90th percentile is a generally identified and agreed upon marker designating high ability in a given area.
2. Your child must demonstrate the ability to read 100 words from a list provided; as well as read fluently and comprehend a story appropriate for mid-level kindergarten. He/She must also achieve 80% accuracy on a letter identification sound-symbol relationship measure.
3. There must be evidence that your child has successfully completed two years in preschool. This addresses the area of social development. Your child's preschool teacher will be asked to complete the ABAS-II (Adaptive Behavior Assessment System) rating form.

Adopted:

Revised:

Acceleration Request Form

(Please submit to the student's principal)

Student Information

Student's Name:

Date of Birth:

School:

Current Grade:

Parent/Guardian Information

Name of person requesting this acceleration:

Relationship to student:

Phone and/or Email:

Acceleration Request

Type of Acceleration:

- Single Subject (K-12) Please indicate subject/course

- Whole Grade (K-8)

Name of teacher for current grade or course:

Please state rationale for this request including any interventions that have already been implemented to meet the student's advanced academic needs:

Please note, this form will initiate the process of collecting preliminary information about the student. It does not mean acceleration will necessarily occur.

I have read the procedures for acceleration and understand the process that will be followed to determine if acceleration is appropriate for this student. I grant permission for the necessary assessments needed to determine if acceleration is appropriate.

Parent/Guardian Signature

Date

513R Student Promotion, Retention, and Program Design

Purpose

- The purpose of this regulation is to provide a student access to appropriate content when ready ahead of **site based grade-level** peers.

Acceleration Guidelines

- Acceleration acknowledges that a student has already achieved at the requisite level to qualify for a higher grade placement overall or in a specific subject.
- Acceleration is seen as **an Tier 3 placement for exceptional learners intervention** within the Multi-Tiered Systems of Support (MTSS) framework to be considered when the current grade level curriculum is a significant mismatch between the student's academic needs, ~~motivation,~~ and readiness **as compared to their grade-level peers locally and nationally.**
- Acceleration decisions must involve a comprehensive team ~~(Acceleration Team)~~ discussion guided by an objective and timely process. The **Acceleration site** team **will may** consist of the building principal, acceleration specialist, the student's classroom teacher, counselor, school psychologist and other personnel as deemed necessary by the individual student's needs. ~~(i.e. Special Education Case Manager, English Language (EL) Coordinator, Immersion Program Coordinator, Families in Transition (Homeless) representative, a representative from the Office of Education Equity, American Indian Education representative, social-emotional learning specialist, content specialist).~~
- The acceleration specialist will maintain communication with the team during the evaluation period.
- The assignment of the student is the legal prerogative of the superintendent or designee.

Whole Grade Acceleration Procedure: (K-8 4)

1. The acceleration referral is made ~~to the building principal~~ by the parent/guardian or **district** staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). **This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school psychologist.** Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time, **However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1 for new to district enrollees.** ~~but should be no later than April 15th for the following fall acceleration.~~

2. After the acceleration request has been submitted, the Acceleration Specialist ~~has been notified by the building principal, the acceleration specialist~~ gathers existing student data to determine if the student's scores meet the initial pre-screening requirements. ~~including at least two documented strategies to meet the student's advanced academic needs, including curriculum compacting and extension/enrichment activities, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.~~
3. ~~The Acceleration Team will review the existing data.~~ If the initial data does not meet the initial pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, district personnel will administer appropriate assessments which are included on the Iowa Acceleration Scale (IAS), which include a collection of parent information and perspective. Please refer to the whole grade acceleration procedures and criteria flow chart for specific guidelines.
- ~~4. District personnel (acceleration specialist or school psychologist) will administer appropriate assessments which are included on the Iowa Acceleration Scale (IAS), which includes collection of parent information and perspective. If a student's home language is not English, an assessment will be made available in the home language.~~
4. Following testing and data collecting, the Acceleration T-site team will meet to discuss the results, keeping in mind research regarding critical items and criteria for successful grade acceleration as outlined in the assessment. Criteria for grade acceleration may include:
 - Student scores consistently are 95% or higher on curriculum-based assessments.
 - Student achievement skill of approximately two years above grade level in core subject areas as measured by local and/or state assessments.
 - A full-scale ability score of 130 +/- the standard error of measurement. ○ Information from the IAS.
 - 90% or above on grade level mastery assessments.
5. The Acceleration T-site team will make one or more of the following recommendations:
 - No Change: The students will continue in regular programs with no changes.
 - Enrichment. The students will receive curriculum-based services or extensions in one or more subjects to be determined by classroom teacher and gifted education/differentiation specialist.
 - Acceleration. The student will accelerate in a specific subject.
 - Acceleration. The student will accelerate one grade level.
6. If acceleration is recommended, an Acceleration Plan will be written ~~a Written Acceleration Plan~~ that includes class placement, standardized assessments, and transitions ~~will be developed~~. The transition acceleration plan should address minor gaps that may occur with the transition. Accelerated students should be

expected to achieve at a performance level comparable with their performance at their previous grade.

- **Whole Grade Assessment:** A whole-grade accelerated student is required to take all standardized assessments for the grade in which they enroll.
 - ~~A subject accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).~~
- **Transition Period:** The length of the transition period will be determined by the site team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and/or counselor will inform the site team of student transition progress that includes information from the classroom teacher, parent, and student in the areas of academic and social emotional adjustment. The site team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.
~~A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check-ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and counselor will inform the Acceleration Team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The Acceleration Team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.~~

7. If acceleration is not recommended the following will be considered.

- Recommendations for the current grade level will be developed as necessary.
- Classroom teacher and acceleration specialist will monitor student progress.

8. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the **Acceleration site** Team will be reconvened and provided any additional information.

Subject Acceleration Procedure (K-12-4)

~~Note for Credit Bearing Courses: The goal of acceleration is appropriate placement. If a student accelerates beyond a course required for graduation, that graduation requirement will be considered met. The student will receive credit for the course, a grade of "P" and no GPA points. A student may attempt to accelerate beyond a course only once. Students who choose subject acceleration are then fully enrolled in the next course and expected to meet expectations. The grade impacts the GPA. In high school, there are many different ways for students to be challenged in specific subjects. Enriching and accelerated courses include honors, AP, CITS, and CTE. PSEO is also available for students who meet guidelines. We encourage you to explore these options for your high school age student. For more information, please visit <https://www.isd709.org/departments/curriculum-and-instruction/index>~~

1. The acceleration referral is initiated ~~made to the building principal/counselor~~ by the parent/guardian, ~~student,~~ or district staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school psychologist. Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1st for new to district enrollees. ~~If acceleration is recommended, the timing of the acceleration will be determined by the Acceleration Team.~~
2. After the acceleration specialist has received the acceleration request form ~~been notified by the building principal,~~ the acceleration specialist will gather existing student data to determine if the student scores meet initial pre-screening requirements. Please refer to the acceleration procedures and criteria flow chart for specific information. If the initial data does not meet the pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, the student wishing to accelerate will be asked to take a grade level mastery assessment. District personnel (acceleration specialist or content specialist) will administer appropriate assessments which are included on the acceleration procedures and criteria flow chart. ~~including at least two documented strategies to meet student's acceleration needs, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.~~
3. ~~The Acceleration Team will review the existing data.~~
3. Subjects Eligible for Acceleration. ~~The following subjects:~~ English Language Arts and Math. ~~are eligible for acceleration consideration. Placement is dependent upon schedule and availability and class size.~~
 - a. ~~a English Language Arts (must be in English)~~
 - b. ~~Math~~
 - c. ~~World Language (must be in target language)~~
 - d. ~~Music~~

For students who have had an exceptional learning experience outside of ISD709, please refer to policy 620, credit for learning, for additional opportunities.

4. ~~A student wishing to accelerate may be asked to take a placement assessment that may be written or performance based depending upon the subject. District personnel (acceleration specialist or content specialist) will administer appropriate assessments. The assessment may include a written and/or performance assessment. If a student's home language is not English, an assessment will be made available in the home language.~~ Following testing, the site team will meet to review the results. Criteria for single subject acceleration may include:
 - a. Student scores consistently are 95% or higher on curriculum based assessments.
 - b. Student achievement skills of consistently two years above grade level in content areas as measured by local and/or state assessments.
 - c. Recommended by current teacher.
 - d. 90% of above on grade level mastery assessments

5. ~~The Acceleration Team~~ The site team will make one or more of the following recommendations:

- a. **No Change:** The student will continue in the regular class with no changes.
- b. **Enrichment:** The student will continue in the regular class with further opportunities for curriculum compacting and/or extension/enrichment.
- c. **Placement:** The student will be placed in the appropriate course.
- d. **Acceleration:** The student will accelerate in a specific subject.

6. If acceleration is recommended, the site based team will create a plan ~~a Written Acceleration Plan that including placement and timing of transitions, class placement, standardized assessments, and transitions will be developed. The transition plan should address minor gaps that may occur.~~ Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.

a. **Assessment:**

A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).

b. **Transition Period:**

~~The length of the transition period will be determined by the site team, up to a length of six weeks. A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks.~~ At the end of the transition period, the specialist, teacher, and counselor will inform the Acceleration Team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The ~~Acceleration-~~ site Team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.

c. **Transportation:**

~~Transportation is not provided to courses that are located at a site other than the student's home school. In some instances, a course may be available in an online format to help minimize this barrier.~~

If single subject acceleration is recommended, families must sign an acknowledgement form indicating they understand that at both 5th grade and 8th grade, accelerated courses are taught on a virtual platform. Students may not be transported to another school to attend in person instruction.

Subject Acceleration Procedure (~~K~~ 5-12)

Note for Credit Bearing Courses: The goal of acceleration is appropriate placement. If a student accelerates beyond a course required for graduation, that graduation requirement will be considered met. The student will receive credit for the course, a grade of "P" and no GPA points. A student may attempt to accelerate beyond a course only once. Students who choose subject acceleration are then fully enrolled in the next course and expected to meet expectations. The grade impacts the GPA. In high school, there are many different ways for

students to be challenged in specific subjects. Enriching and accelerated courses include honors, AP, CITS, and CTE. PSEO is also available for students who meet guidelines. We encourage you to explore these options for your high school age student. For more information, please visit <https://www.isd709.org/departments/curriculum-and-instruction/index>

1. The acceleration referral is initiated ~~made to the building principal/counselor~~ by the parent/guardian, ~~student~~, or district staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school counselor. Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1st for new to district enrollees. ~~If acceleration is recommended, the timing of the acceleration will be determined by the Acceleration Team.~~
2. After the acceleration specialist has received the acceleration request form ~~been notified by the building principal~~, the acceleration specialist will gather existing student data to determine if the student scores meet initial pre-screening requirements. Please refer to the acceleration procedures and criteria flow chart for specific information. If the initial data does not meet the pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, the student wishing to accelerate will be asked to take a course standards assessment. District personnel (acceleration specialist or content specialist) will administer appropriate assessments which are included on the acceleration procedures and criteria flow chart. ~~including at least two documented strategies to meet student's acceleration needs, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.~~
- ~~3. The Acceleration Team will review the existing data.~~
3. Subjects Eligible for Acceleration. The following subjects are eligible for acceleration consideration. Placement is dependent upon schedule and availability and class size.
 - a. English Language Arts (must be in English)
 - b. Math
 - c. World Language (must be in target language)
 - d. **Music**

For students who have had an exceptional learning experience outside of ISD709, please refer to policy 620, credit for learning, for additional opportunities.

4. ~~A student wishing to accelerate may be asked to take a placement assessment that may be written or performance based depending upon the subject. District personnel (acceleration specialist or content specialist) will administer appropriate assessments. The assessment may include a written and/or performance assessment. If a student's home language is not English, an assessment will be made available in the home language.~~ Following testing, the site team will meet to review the results. Criteria for single subject acceleration may include:
 - a. Student scores consistently are 95% or higher on curriculum based assessments.
 - b. Student achievement skills of consistently two years above grade level in content areas as measured by local and/or state assessments.
 - c. Course standards assessment results

5. ~~The Acceleration Team~~ The site team will make one or more of the following recommendations:
- No Change:** The student will continue in the regular class with no changes.
 - Enrichment:** The student will continue in the regular class with further opportunities for curriculum compacting and/or extension/enrichment.
 - Placement:** The student will be placed in the appropriate course.
 - Acceleration:** The student will accelerate in a specific subject.
6. If a middle school acceleration is recommended, the site based acceleration team will create a plan including placement and timing of transitions. If a high school acceleration is recommended, the site based acceleration team will work with counselors to plan for a new pathway to graduation. ~~acceleration is recommended, a Written Acceleration Plan that includes class placement, standardized assessments, and transitions will be developed. The transition plan should address minor gaps that may occur.~~ Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.
- Assessment:**
A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).
 - Transition Period:**
The length of the transition period for a middle school student will be determined by the site team, up to a length of six weeks. ~~A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks.~~ At the end of the transition period, the specialist, teacher, and counselor will inform the ~~Acceleration~~ site team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The ~~Acceleration~~ site team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.
 - Transportation:**
~~Transportation is not provided to courses that are located at a site other than the student's home school. In some instances, a course may be available in an online format to help minimize this barrier.~~
If single subject acceleration is recommended, families must sign an acknowledgement form indicating they understand that at both 5th grade and 8th grade, accelerated courses are taught on a virtual platform. Students may not be transported to another school to attend in person instruction.

Elementary Retention:

- Students who do not achieve at a level deemed acceptable by local and state standards may be retained at their current grade level. Efforts will be made to alter the student's program to better suit each student's needs.

2. Retention will be considered when professional staff, in cooperation with the parents, have determined that it is in the best interest of the student. Many factors will be considered prior to making such a decision. Some of the factors to be included are scholastic ability and achievement, physical development, maturity, cultural norms, emotional factors, as well as attendance and age. It is also recommended that the Light Retention Scale be utilized as another tool to assist in the decision. Retention shall not be based on a single factor.
3. Conferences/discussions between school personnel and parents concerning retention should be initiated by the winter conferences and earlier if the situation warrants it.
4. Retention is a decision that must be made between school personnel and the parent (guardian). If school personnel and parents (guardian) disagree over the issue of promotion and/or retention, a conciliation meeting will be held in an attempt to resolve the differences. The Director of Curriculum or designee will conduct the conciliation meeting as soon as possible after it is obvious that the school and parents (guardians) cannot agree. The school of the parent (guardian) may initiate the conciliation meeting by contacting the Director of Curriculum or designee.

Early Admission to Kindergarten Testing Criteria: Deadline April 1

1. Your child must score at or above the 90th percentile on the Wechsler Preschool and Primary Scale of Intelligence, Third Edition. Performance at or above the 90th percentile is a generally identified and agreed upon marker designating high ability in a given area.
2. Your child must demonstrate the ability to read 100 words from a list provided; as well as read fluently and comprehend a story appropriate for mid-level kindergarten. He/She must also achieve 80% accuracy on a letter identification sound-symbol relationship measure.
3. There must be evidence that your child has successfully completed two years in preschool. This addresses the area of social development. Your child's preschool teacher will be asked to complete the ABAS-II (Adaptive Behavior Assessment System) rating form.

Adopted:
Revised:

Acceleration Request Form
(Please submit to the student's principal)

Student Information

Student's Name:

Date of Birth:

School:

Current Grade:

Parent/Guardian Information

Name of person requesting this acceleration:

Relationship to student:

Phone and/or Email:

Acceleration Request

Type of Acceleration:

- Single Subject (K-12) Please indicate the subject/course **you are wishing to accelerate out of.**

- Whole Grade (K-4)

Name of teacher for current grade or course:

Please state rationale for this request including any interventions that have already been implemented to meet the student's advanced academic needs:

Please note, this form will initiate the process of collecting preliminary information about the student. It does not mean acceleration will necessarily occur.

I have read the procedures for acceleration and understand the process that will be followed to determine if acceleration is appropriate for this student. I grant permission for the necessary assessments needed to determine if acceleration is appropriate. **This may include a formal measure of intellectual functioning, formal measure of academic skills, etc.**

Parent/Guardian Signature

Date

Purpose

- The purpose of this regulation is to provide a student access to appropriate content when ready ahead of **site based grade-level** peers.

Acceleration Guidelines

- Acceleration acknowledges that a student has already achieved at the requisite level to qualify for a higher grade placement overall or in a specific subject.
- Acceleration is seen as **an Tier 3 placement for exceptional learners intervention** within the Multi-Tiered Systems of Support (MTSS) framework to be considered when the current grade level curriculum is a significant mismatch between the student's academic needs, ~~motivation,~~ and readiness **as compared to their grade-level peers locally and nationally.**
- Acceleration decisions must involve a comprehensive team (~~Acceleration Team~~) discussion guided by an objective and timely process. The ~~Acceleration site~~ team **will may must** consist of the building principal, **the student's classroom teacher, and the school psychologist.** ~~The site team may also consist of the acceleration specialist, school counselor, and other personnel as deemed necessary by the individual student's needs.~~ **acceleration specialist, the student's classroom teacher, counselor, school psychologist and other personnel as deemed necessary by the individual student's needs.** ~~(i.e. Special Education Case Manager, English Language (EL) Coordinator, Immersion Program Coordinator, Families in Transition (Homeless) representative, a representative from the Office of Education Equity, American Indian Education representative, social emotional learning specialist, content specialist).~~
- The acceleration specialist will maintain communication with the team during the evaluation period.
- The assignment of the student is the legal prerogative of the superintendent or designee.

Whole Grade Acceleration Procedure: (K-8 4)

1. The acceleration referral is made ~~to the building principal~~ by the parent/guardian or **district** staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). **This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school psychologist.** Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. **However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1 for new to district enrollees.** ~~but should be no later than April 15th for the following fall acceleration.~~

2. After the acceleration request has been submitted, the Acceleration Specialist ~~has been notified by the building principal, the acceleration specialist~~ gathers existing student data to determine if the student's scores meet the initial pre-screening requirements. ~~including at least two documented strategies to meet the student's advanced academic needs, including curriculum compacting and extension/enrichment activities, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.~~
3. ~~The Acceleration Team will review the existing data.~~ If the initial data does not meet the initial pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, district personnel will administer appropriate assessments which are included on the Iowa Acceleration Scale (IAS), which include a collection of parent information and perspective. Please refer to the whole grade acceleration procedures and criteria flow chart for specific guidelines.
- ~~4. District personnel (acceleration specialist or school psychologist) will administer appropriate assessments which are included on the Iowa Acceleration Scale (IAS), which includes collection of parent information and perspective. If a student's home language is not English, an assessment will be made available in the home language.~~
4. Following testing and data collecting, the Acceleration T-site team will meet to discuss the results, keeping in mind research regarding critical items and criteria for successful grade acceleration as outlined in the assessment. Criteria for grade acceleration may include:
 - Student scores consistently are 95% or higher on curriculum-based assessments.
 - Student achievement skill of approximately two years above grade level in core subject areas as measured by local and/or state assessments.
 - A full-scale ability score of 130 +/- the standard error of measurement. ○ Information from the IAS.
 - 90% or above on grade level mastery assessments.
5. The Acceleration T-site team will make one or more of the following recommendations:
 - No Change: The students will continue in regular programs with no changes.
 - Enrichment. The students will receive curriculum-based services or extensions in one or more subjects to be determined by classroom teacher and gifted education/differentiation specialist.
 - Acceleration. The student will accelerate in a specific subject.
 - Acceleration. The student will accelerate one grade level.
6. If acceleration is recommended, an Acceleration Plan will be written ~~a Written Acceleration Plan~~ that includes class placement, standardized assessments, and transitions ~~will be developed~~. The transition acceleration plan should address minor gaps that may occur with the transition. Accelerated students should be

expected to achieve at a performance level comparable with their performance at their previous grade.

- **Whole Grade Assessment:** A whole-grade accelerated student is required to take all standardized assessments for the grade in which they enroll.
 - ~~A subject accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).~~
- **Transition Period:** The length of the transition period will be determined by the site team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and/or counselor will inform the site team of student transition progress that includes information from the classroom teacher, parent, and student in the areas of academic and social emotional adjustment. The site team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.
~~A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check-ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and counselor will inform the Acceleration Team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The Acceleration Team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.~~

7. If acceleration is not recommended the following will be considered.

- Recommendations for the current grade level will be developed as necessary.
- Classroom teacher and acceleration specialist will monitor student progress.

8. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the **Acceleration site** Team will be reconvened and provided any additional information.

Subject Acceleration Procedure (K-12-4)

~~Note for Credit Bearing Courses: The goal of acceleration is appropriate placement. If a student accelerates beyond a course required for graduation, that graduation requirement will be considered met. The student will receive credit for the course, a grade of "P" and no GPA points. A student may attempt to accelerate beyond a course only once. Students who choose subject acceleration are then fully enrolled in the next course and expected to meet expectations. The grade impacts the GPA. In high school, there are many different ways for students to be challenged in specific subjects. Enriching and accelerated courses include honors, AP, CITS, and CTE. PSEO is also available for students who meet guidelines. We encourage you to explore these options for your high school age student. For more information, please visit <https://www.isd709.org/departments/curriculum-and-instruction/index>~~

1. The acceleration referral is initiated ~~made to the building principal/counselor~~ by the parent/guardian, ~~student,~~ or district staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school psychologist. Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1st for new to district enrollees. ~~If acceleration is recommended, the timing of the acceleration will be determined by the Acceleration Team.~~
2. After the acceleration specialist has received the acceleration request form ~~been notified by the building principal,~~ the acceleration specialist will gather existing student data to determine if the student scores meet initial pre-screening requirements. Please refer to the acceleration procedures and criteria flow chart for specific information. If the initial data does not meet the pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, the student wishing to accelerate will be asked to take a grade level mastery assessment. District personnel (acceleration specialist or content specialist) will administer appropriate assessments which are included on the acceleration procedures and criteria flow chart. ~~including at least two documented strategies to meet student's acceleration needs, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.~~
3. ~~The Acceleration Team will review the existing data.~~
3. Subjects Eligible for Acceleration. ~~The following subjects:~~ English Language Arts and Math. ~~are eligible for acceleration consideration. Placement is dependent upon schedule and availability and class size.~~
 - a. ~~a English Language Arts (must be in English)~~
 - b. ~~Math~~
 - c. ~~World Language (must be in target language)~~
 - d. ~~Music~~

For students who have had an exceptional learning experience outside of ISD709, please refer to policy 620, credit for learning, for additional opportunities.

4. ~~A student wishing to accelerate may be asked to take a placement assessment that may be written or performance based depending upon the subject. District personnel (acceleration specialist or content specialist) will administer appropriate assessments. The assessment may include a written and/or performance assessment. If a student's home language is not English, an assessment will be made available in the home language.~~ Following testing, the site team will meet to review the results. Criteria for single subject acceleration may include:
 - a. Student scores consistently are 95% or higher on curriculum based assessments.
 - b. Student achievement skills of consistently two years above grade level in content areas as measured by local and/or state assessments.
 - c. Recommended by current teacher.
 - d. 90% of above on grade level mastery assessments

5. ~~The Acceleration Team~~ The site team will make one or more of the following recommendations:

- a. **No Change:** The student will continue in the regular class with no changes.
- b. **Enrichment:** The student will continue in the regular class with further opportunities for curriculum compacting and/or extension/enrichment.
- c. **Placement:** The student will be placed in the appropriate course.
- d. **Acceleration:** The student will accelerate in a specific subject.

6. If acceleration is recommended, the site based team will create a plan ~~a Written Acceleration Plan that including placement and timing of transitions, class placement, standardized assessments, and transitions will be developed. The transition plan should address minor gaps that may occur.~~ Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.

a. **Assessment:**

A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).

b. **Transition Period:**

~~The length of the transition period will be determined by the site team, up to a length of six weeks. A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks.~~ At the end of the transition period, the specialist, teacher, and counselor will inform the Acceleration Team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The ~~Acceleration-~~ site Team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.

c. **Transportation:**

~~Transportation is not provided to courses that are located at a site other than the student's home school. In some instances, a course may be available in an online format to help minimize this barrier.~~

If single subject acceleration is recommended, families must sign an acknowledgement form indicating they understand that at both 5th grade and 8th grade, accelerated courses are taught on a virtual platform. Students may not be transported to another school to attend in person instruction.

7. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the ~~Acceleration~~ site Team will be reconvened and provided any additional information.

Subject Acceleration Procedure (~~K~~ 5-12)

Note for Credit Bearing Courses: The goal of acceleration is appropriate placement. If a student accelerates beyond a course required for graduation, that graduation requirement

will be considered met. The student will receive credit for the course, a grade of "P" and no GPA points. A student may attempt to accelerate beyond a course only once. Students who choose subject acceleration are then fully enrolled in the next course and expected to meet expectations. The grade impacts the GPA. In high school, there are many different ways for students to be challenged in specific subjects. Enriching and accelerated courses include honors, AP, CITS, and CTE. PSEO is also available for students who meet guidelines. We encourage you to explore these options for your high school age student. For more information, please visit <https://www.isd709.org/departments/curriculum-and-instruction/index>

1. The acceleration referral is **initiated** ~~made to the building principal/counselor~~ by the parent/guardian, ~~student~~, or **district** staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). **This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school counselor.** Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. **However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1st for new to district enrollees.** ~~If acceleration is recommended, the timing of the acceleration will be determined by the Acceleration Team.~~
2. After the acceleration specialist has **received the acceleration request form** ~~been notified by the building principal~~, the acceleration specialist will gather existing student data to determine if the student scores meet initial pre-screening requirements. Please refer to the acceleration procedures and criteria flow chart for specific information. If the initial data does not meet the pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, the student wishing to accelerate will be asked to take a course standards assessment. District personnel (acceleration specialist or content specialist) will administer appropriate assessments which are included on the **acceleration procedures and criteria flow chart.** ~~including at least two documented strategies to meet student's acceleration needs, previous test scores, work samples, teacher rating scales and a summary of classroom achievement.~~
- ~~3. The Acceleration Team will review the existing data.~~
3. Subjects Eligible for Acceleration. The following subjects are eligible for acceleration consideration. Placement is dependent upon schedule and availability and class size.
 - a. English Language Arts (must be in English)
 - b. Math
 - c. World Language (must be in target language)
 - d. **Music**

For students who have had an exceptional learning experience outside of ISD709, please refer to policy 620, credit for learning, for additional opportunities.

4. ~~A student wishing to accelerate may be asked to take a placement assessment that may be written or performance based depending upon the subject. District personnel (acceleration specialist or content specialist) will administer appropriate assessments. The assessment may include a written and/or performance assessment. If a student's home language is not English, an assessment will be made available in the home language.~~ **Following testing, the site team will meet to review the results. Criteria for single subject acceleration may include:**

- a. Student scores consistently are 95% or higher on curriculum based assessments.
 - b. Student achievement skills of consistently two years above grade level in content areas as measured by local and/or state assessments.
 - c. Course standards assessment results
5. ~~The Acceleration Team~~ The site team will make one or more of the following recommendations:
- a. **No Change:** The student will continue in the regular class with no changes.
 - b. **Enrichment:** The student will continue in the regular class with further opportunities for curriculum compacting and/or extension/enrichment.
 - c. **Placement:** The student will be placed in the appropriate course.
 - d. **Acceleration:** The student will accelerate in a specific subject.
6. If a middle school acceleration is recommended, the site based acceleration team will create a plan including placement and timing of transitions. If a high school acceleration is recommended, the site based acceleration team will work with counselors to plan for a new pathway to graduation. ~~acceleration is recommended, a Written Acceleration Plan that includes class placement, standardized assessments, and transitions will be developed. The transition plan should address minor gaps that may occur.~~ Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.
- a. **Assessment:**
A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).
 - b. **Transition Period:**
The length of the transition period for a middle school student will be determined by the site team, up to a length of six weeks. ~~A transition period is recommended. During this transition period, the acceleration specialist will coordinate supportive check ins that may include the acceleration specialist/ content area teacher, or counselor as needed. The length of the transition period will be determined by the acceleration team, up to a length of six weeks.~~ At the end of the transition period, the specialist, teacher, and counselor will inform the ~~Acceleration~~ site team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The ~~Acceleration~~ site team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.
 - c. **Transportation:**
~~Transportation is not provided to courses that are located at a site other than the student's home school. In some instances, a course may be available in an online format to help minimize this barrier.~~
If single subject acceleration is recommended, families must sign an acknowledgement form indicating they understand that at both 5th grade and 8th grade, accelerated courses are taught on a virtual platform. Students may not be transported to another school to attend in person instruction.
7. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the ~~Acceleration~~ site Team will be reconvened and provided any additional information.

Elementary Retention:

1. Students who do not achieve at a level deemed acceptable by local and state standards may be retained at their current grade level. Efforts will be made to alter the student's program to better suit each student's needs.
2. Retention will be considered when professional staff, in cooperation with the parents, have determined that it is in the best interest of the student. Many factors will be considered prior to making such a decision. Some of the factors to be included are scholastic ability and achievement, physical development, maturity, cultural norms, emotional factors, as well as attendance and age. It is also recommended that the Light Retention Scale be utilized as another tool to assist in the decision. Retention shall not be based on a single factor.
3. Conferences/discussions between school personnel and parents concerning retention should be initiated by the winter conferences and earlier if the situation warrants it.
4. Retention is a decision that must be made between school personnel and the parent (guardian). If school personnel and parents (guardian) disagree over the issue of promotion and/or retention, a conciliation meeting will be held in an attempt to resolve the differences. The Director of Curriculum or designee will conduct the conciliation meeting as soon as possible after it is obvious that the school and parents (guardians) cannot agree. The school of the parent (guardian) may initiate the conciliation meeting by contacting the Director of Curriculum or designee.

Early Admission to Kindergarten Testing Criteria: **Deadline April 1**

1. Your child must score at or above the 90th percentile on the Wechsler Preschool and Primary Scale of Intelligence, Third Edition. Performance at or above the 90th percentile is a generally identified and agreed upon marker designating high ability in a given area.
2. Your child must demonstrate the ability to read 100 words from a list provided; as well as read fluently and comprehend a story appropriate for mid-level kindergarten. He/She must also achieve 80% accuracy on a letter identification sound-symbol relationship measure.
3. There must be evidence that your child has successfully completed two years in preschool. This addresses the area of social development. Your child's preschool teacher will be asked to complete the ABAS-II (Adaptive Behavior Assessment System) rating form.

Adopted:

Revised:

Acceleration Request Form

(Please submit to the student's principal)

Student Information

Student's Name:

Date of Birth:

School:

Current Grade:

Parent/Guardian Information

Name of person requesting this acceleration:

Relationship to student:

Phone and/or Email:

Acceleration Request

Type of Acceleration:

- Single Subject (K-12) Please indicate the subject/course **you are wishing to accelerate out of.**

- Whole Grade (K-4)

Name of teacher for current grade or course:

Please state rationale for this request including any interventions that have already been implemented to meet the student's advanced academic needs:

Please note, this form will initiate the process of collecting preliminary information about the student. It does not mean acceleration will necessarily occur.

I have read the procedures for acceleration and understand the process that will be followed to determine if acceleration is appropriate for this student. I grant permission for the necessary assessments needed to determine if acceleration is appropriate. **This may**

include a formal measure of intellectual functioning, formal measure of academic skills, etc.

Parent/Guardian Signature

Date

Purpose

- The purpose of this regulation is to provide a student access to appropriate content when ready ahead of site based grade-level peers.

Acceleration Guidelines

- Acceleration acknowledges that a student has already achieved at the requisite level to qualify for a higher grade placement overall or in a specific subject.
- Acceleration is seen as Tier 3 placement for exceptional learners within the Multi-Tiered Systems of Support (MTSS) framework to be considered when the current grade level curriculum is a significant mismatch between the student's academic needs-and readiness as compared to their grade-level peers locally and nationally.
- Acceleration decisions must involve a comprehensive team discussion guided by an objective and timely process. The site team must consist of the building principal, the student's classroom teacher, and the school psychologist. The site team may also consist of the acceleration specialist, school counselor, and other personnel as deemed necessary by the individual student's needs.
- The acceleration specialist will maintain communication with the team during the evaluation period.
- The assignment of the student is the legal prerogative of the superintendent or designee.

Whole Grade Acceleration Procedure: (K-4)

1. The acceleration referral is made by the parent/guardian or district staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school psychologist. Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1 for new to district enrollees.
2. After the acceleration request has been submitted, the Acceleration Specialist gathers existing student data to determine if the student's scores meet the initial pre-screening requirements.
3. If the initial data does not meet the initial pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, district personnel will administer appropriate assessments which are included on the Iowa Acceleration Scale (IAS), which include a collection of parent information and perspective. Please refer to the whole grade acceleration procedures and criteria flow chart for specific guidelines.

4. Following testing and data collecting, the site team will meet to discuss the results, keeping in mind research regarding critical items and criteria for successful grade acceleration as outlined in the assessment. Criteria for grade acceleration may include:

- Student scores consistently are 95% or higher on curriculum-based assessments.
- Student achievement skill of approximately two years above grade level in core subject areas as measured by local and/or state assessments.
- A full-scale ability score of 130 +/- the standard error of measurement. ◦ Information from the IAS.
- 90% or above on grade level mastery assessments.

5. The site team will make one or more of the following recommendations:

- No Change: The students will continue in regular programs with no changes.
- Enrichment. The students will receive curriculum-based services or extensions in one or more subjects to be determined by classroom teacher and gifted education/differentiation specialist.
- Acceleration. The student will accelerate in a specific subject.
- Acceleration. The student will accelerate one grade level.

6. If acceleration is recommended, an Acceleration Plan will be written that includes class placement, standardized assessments, and transitions. The acceleration plan should address minor gaps that may occur with the transition. Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.

- Whole Grade Assessment: A whole-grade accelerated student is required to take all standardized assessments for the grade in which they enroll.
- Transition Period: The length of the transition period will be determined by the site team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and/or counselor will inform the site team of student transition progress that includes information from the classroom teacher, parent, and student in the areas of academic and social emotional adjustment. The site team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.

7. If acceleration is not recommended the following will be considered.

- Recommendations for the current grade level will be developed as necessary.
- Classroom teacher and acceleration specialist will monitor student progress.

8. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the site Team will be reconvened and provided any additional information.

Subject Acceleration Procedure (K-4)

1. The acceleration referral is initiated by the parent/guardian or district staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school psychologist. Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1st for new to district enrollees.
2. After the acceleration specialist has received the acceleration request form, the acceleration specialist will gather existing student data to determine if the student scores meet initial pre-screening requirements. Please refer to the acceleration procedures and criteria flow chart for specific information. If the initial data does not meet the pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, the student wishing to accelerate will be asked to take a grade level mastery assessment. District personnel (acceleration specialist or content specialist) will administer appropriate assessments which are included on the acceleration procedures and criteria flow chart.

3. **Subjects Eligible for Acceleration:** English Language Arts and Math.

For students who have had an exceptional learning experience outside of ISD709, please refer to policy 620, credit for learning, for additional opportunities.

4. Following testing, the site team will meet to review the results. Criteria for single subject acceleration may include:
 - a. Student scores consistently are 95% or higher on curriculum based assessments.
 - b. Student achievement skills of consistently two years above grade level in content areas as measured by local and/or state assessments.
 - c. Recommended by current teacher.
 - d. 90% of above on grade level mastery assessments

5. The site team will make one or more of the following recommendations:

- a. No Change: The student will continue in the regular class with no changes.
- b. Enrichment: The student will continue in the regular class with further opportunities for curriculum compacting and/or extension/enrichment.
- c. Placement: The student will be placed in the appropriate course.
- d. Acceleration: The student will accelerate in a specific subject.

6. If acceleration is recommended, the site based team will create a plan including placement and timing of transitions. Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.
 - a. Assessment:
A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject

placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).

b. Transition Period:

The length of the transition period will be determined by the site team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and counselor will inform the Acceleration Team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The site Team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.

c. Transportation:

If single subject acceleration is recommended, families must sign an acknowledgement form indicating they understand that at both 5th grade and 8th grade, accelerated courses are taught on a virtual platform. Students may not be transported to another school to attend in person instruction.

7. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the site Team will be reconvened and provided any additional information.

Subject Acceleration Procedure (5-12)

Note for Credit Bearing Courses: The goal of acceleration is appropriate placement. If a student accelerates beyond a course required for graduation, that graduation requirement will be considered met. The student will receive credit for the course, a grade of "P" and no GPA points. A student may attempt to accelerate beyond a course only once. Students who choose subject acceleration are then fully enrolled in the next course and expected to meet expectations. The grade impacts the GPA. In high school, there are many different ways for students to be challenged in specific subjects. Enriching and accelerated courses include honors, AP, CITS, and CTE. PSEO is also available for students who meet guidelines. We encourage you to explore these options for your high school age student. For more information, please visit <https://www.isd709.org/departments/curriculum-and-instruction/index>

1. The acceleration referral is initiated by the parent/guardian, or district staff member based on the student's current academic performance using the district's referral form (Acceleration Request form). This form is automatically sent to the Acceleration Specialist who will forward it onto the building principal and school counselor. Written approval is obtained from the parent/guardian for an assessment process to begin regarding potential acceleration by completing and signing the Acceleration Request Form. The process may be initiated at any time. However, in order for a request to pertain to the following academic school year, it must be received no later than April 1st for current students and before September 1st for new to district enrollees.
2. After the acceleration specialist has received the acceleration request form, the acceleration specialist will gather existing student data to determine if the student scores meet initial pre-screening requirements. Please refer to the acceleration procedures and criteria flow chart for specific information. If the initial data does not meet the pre-screening requirements, the process ceases and the family will be notified. If the data supports continuation of the request, the student wishing to accelerate will be asked to take a course standards assessment. District personnel

(acceleration specialist or content specialist) will administer appropriate assessments which are included on the acceleration procedures and criteria flow chart.

3. Subjects Eligible for Acceleration. The following subjects are eligible for acceleration consideration. Placement is dependent upon schedule and availability and class size.
 - a. English Language Arts (must be in English)
 - b. Math
 - c. World Language (must be in target language)

For students who have had an exceptional learning experience outside of ISD709, please refer to policy 620, credit for learning, for additional opportunities.

4. Following testing, the site team will meet to review the results. Criteria for single subject acceleration may include:
 - a. Student scores consistently are 95% or higher on curriculum based assessments.
 - b. Student achievement skills of consistently two years above grade level in content areas as measured by local and/or state assessments.
 - c. Course standards assessment results
5. The site team will make one or more of the following recommendations:
 - a. No Change: The student will continue in the regular class with no changes.
 - b. Enrichment: The student will continue in the regular class with further opportunities for curriculum compacting and/or extension/enrichment.
 - c. Placement: The student will be placed in the appropriate course.
 - d. Acceleration: The student will accelerate in a specific subject.
6. If a middle school acceleration is recommended, the site based acceleration team will create a plan including placement and timing of transitions. If a high school acceleration is recommended, the site based acceleration team will work with counselors to plan for a new pathway to graduation. Accelerated students should be expected to achieve at a performance level comparable with their performance at their previous grade.
 - a. Assessment:

A subject-accelerated student is required to take all standardized assessments for the grade in which they are enrolled rather than an individual subject placement. (For example, a 6th grade student that has been subject accelerated in ELA to grade 7 would still take the 6th grade reading standardized assessment).
 - b. Transition Period:

The length of the transition period for a middle school student will be determined by the site team, up to a length of six weeks. At the end of the transition period, the specialist, teacher, and counselor will inform the site team of student transition progress that includes information from the classroom teacher, parent and student in the areas of academic and social emotional adjustment. The site team will decide whether the transition period was successful and should be deemed permanent or whether the team should reconvene to revise the plan to better meet the student's needs.
 - c. Transportation:

If single subject acceleration is recommended, families must sign an acknowledgement form indicating they understand that at both 5th grade and 8th grade, accelerated courses are taught on a virtual platform. Students may not be transported to another school to attend in person instruction.

7. Parents may appeal the committee's decision by writing a letter of request for further consideration to the superintendent or designee. If the need for further consideration is determined, the site Team will be reconvened and provided any additional information.

Elementary Retention:

1. Students who do not achieve at a level deemed acceptable by local and state standards may be retained at their current grade level. Efforts will be made to alter the student's program to better suit each student's needs.
2. Retention will be considered when professional staff, in cooperation with the parents, have determined that it is in the best interest of the student. Many factors will be considered prior to making such a decision. Some of the factors to be included are scholastic ability and achievement, physical development, maturity, cultural norms, emotional factors, as well as attendance and age. It is also recommended that the Light Retention Scale be utilized as another tool to assist in the decision. Retention shall not be based on a single factor.
3. Conferences/discussions between school personnel and parents concerning retention should be initiated by the winter conferences and earlier if the situation warrants it.
4. Retention is a decision that must be made between school personnel and the parent (guardian). If school personnel and parents (guardian) disagree over the issue of promotion and/or retention, a conciliation meeting will be held in an attempt to resolve the differences. The Director of Curriculum or designee will conduct the conciliation meeting as soon as possible after it is obvious that the school and parents (guardians) cannot agree. The school of the parent (guardian) may initiate the conciliation meeting by contacting the Director of Curriculum or designee.

Early Admission to Kindergarten Testing Criteria: Deadline April 1

1. Your child must score at or above the 90th percentile on the Wechsler Preschool and Primary Scale of Intelligence, Third Edition. Performance at or above the 90th percentile is a generally identified and agreed upon marker designating high ability in a given area.
2. Your child must demonstrate the ability to read 100 words from a list provided; as well as read fluently and comprehend a story appropriate for mid-level kindergarten. He/She must also achieve 80% accuracy on a letter identification sound-symbol relationship measure.
3. There must be evidence that your child has successfully completed two years in preschool. This addresses the area of social development. Your child's preschool teacher will be asked to complete the ABAS-II (Adaptive Behavior Assessment System) rating form.

Adopted:
Revised:

Acceleration Request Form
(Please submit to the student's principal)

Student Information

Student's Name:

Date of Birth:

School:

Current Grade:

Parent/Guardian Information

Name of person requesting this acceleration:

Relationship to student:

Phone and/or Email:

Acceleration Request

Type of Acceleration:

- Single Subject (K-12) Please indicate the subject/course you are wishing to accelerate out of.

- Whole Grade (K-4)

Name of teacher for current grade or course:

Please state rationale for this request including any interventions that have already been implemented to meet the student's advanced academic needs:

Please note, this form will initiate the process of collecting preliminary information about the student. It does not mean acceleration will necessarily occur.

I have read the procedures for acceleration and understand the process that will be followed to determine if acceleration is appropriate for this student. I grant permission for the necessary assessments needed to determine if acceleration is appropriate. This may include a formal measure of intellectual functioning, formal measure of academic skills, etc.

Parent/Guardian Signature

Date

PUBLIC NOTICE

Independent School District No. 709 gives notice to parents of students currently in attendance in the District, and eligible students currently in attendance in the District, of their rights regarding pupil records.

1. Parents and eligible students are hereby informed that they have the following rights:
 - a. That a parent or eligible student has a right to inspect and review the student's education records within 45 days after the day the request for access is received by the school district. A parent or eligible student should submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect. The parent or eligible student will be notified of the time and place where the records may be inspected;
 - b. 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 rights. A parent or eligible student may ask the school district to amend a record that they believe is inaccurate or misleading. The request shall be in writing, identify the item the parent or eligible student believes to be inaccurate, misleading, or in violation of the privacy rights of the student, shall state the reason for this belief, and shall specify the correction the parent or eligible student wishes the school district to make. The request shall be signed by the parent or eligible student. If the school district decides not to amend the record as requested by the parent or eligible student, the school district will notify the parent or eligible student of the decision and advise him or her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;
 - c. 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 disclosures without consent;
 - d. That the school district may disclose education records to other school officials within the school district if the school district has determined they have legitimate educational interests. For purposes of such disclosure, a "school official" is a person employed by the school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or other employee; a person serving on the school board; a person or company with whom the school district has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist, public information officer, or data practices compliance official); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or any individual assisting a school official in the performance of his or her tasks. A school official has a "legitimate educational interest" if the individual needs to review an education record in order to fulfill his or her professional responsibility and includes, but is not limited to, an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare and the ability to respond to a request for educational data;
 - e. That the school district forwards education records on request to a school or post-secondary educational institution 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, including information about disciplinary action

taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information pursuant to 20 U.S.C. § 7917, part of the federal Every Student Succeeds Act ~~insert the following bracketed phrase if the school district has a policy regarding Staff Notification of Violent Behavior by Students~~ [and data regarding a student's history of violent behavior,] and any disposition order which adjudicates the student as delinquent for committing an illegal act on school district property and certain other illegal acts;

- f. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of 20 U.S.C. § 1232g and the rules promulgated thereunder. The name and address of the office that administers the Family Education Rights and Privacy Act is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

[optional]

- g. That the parent or eligible student has a right to obtain a copy of the school district's policy regarding the protection and privacy of pupil records; and

[optional]

- h. That copies of the school district's policy regarding the protection and privacy of school records are located at the office of the Superintendent or on the website at www.isd709.org/about-us/policies.

[optional]

2. Independent School District No. 709 has adopted a school board policy in order to comply with state and federal laws regarding education records. The policy does the following:
- a. It classifies records as public, private, or confidential.
 - b. It establishes procedures and regulations to permit parents or students to inspect and review a student's education records. These procedures include the method of determining fees for copies, a listing of the locations of these education records, and the identity of the individuals in charge of the records.
 - c. It establishes procedures and regulations to allow parents or students to request the amendment of a student's education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy rights.
 - d. It establishes procedures and regulations for access to and disclosure of education records.
 - e. It establishes procedures and regulations for safeguarding the privacy of education records and for obtaining prior written consent of the parent or student when required prior to disclosure.
3. Copies of the school board policy and accompanying procedures and regulations are available to parents and students upon written request to the Superintendent.
4. Pursuant to applicable law, Independent School District No. 709 gives notice to parents of students currently in attendance in the school district, and eligible students currently in attendance in the school district, of their rights regarding "directory information."

"Directory information" includes the following information relating to a student: the student's name; address; telephone number; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; the most recent educational agency or institution attended by the student; and other similar information. "Directory information" also includes the name, address, and telephone number of the student's parent(s). "Directory information" does not include a student's social security number or a student's identification number (ID) if the ID 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, password, or other factor known or possessed only by the authorized user. It also does not include identifying information on a student's religion, race, color, social position, or nationality.

[Note: The definition of directory information is found on page 515-2 of the school district's policy. This definition includes all of the types of information specifically referenced by state and federal law as directory information. A school district may choose not to include some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is not information that generally would be deemed as an invasion of privacy or information that references the student's religion, race, color, social position, or nationality. A school district also may specify in this section that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district.]

- a. **THE INFORMATION LISTED ABOVE SHALL BE PUBLIC INFORMATION WHICH THE SCHOOL DISTRICT MAY DISCLOSE FROM THE EDUCATION RECORDS OF A STUDENT OR INFORMATION REGARDING A PARENT.**
- b. **SHOULD THE PARENT OF A STUDENT OR THE STUDENT SO DESIRE, ANY OR ALL OF THE LISTED INFORMATION WILL NOT BE DISCLOSED WITHOUT THE PARENT'S OR ELIGIBLE STUDENT'S PRIOR WRITTEN CONSENT EXCEPT TO SCHOOL OFFICIALS AS PROVIDED UNDER FEDERAL LAW.**
- c. **IN ORDER TO MAKE ANY OR ALL OF THE DIRECTORY INFORMATION LISTED ABOVE "PRIVATE" (I.E., SUBJECT TO CONSENT PRIOR TO DISCLOSURE), THE PARENT OR ELIGIBLE STUDENT MUST MAKE A WRITTEN REQUEST TO THE BUILDING PRINCIPAL WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE LAST PUBLICATION OF THIS NOTICE. THIS WRITTEN REQUEST MUST INCLUDE THE FOLLOWING INFORMATION:**
 - (1) **NAME OF STUDENT AND PARENT, AS APPROPRIATE;**
 - (2) **HOME ADDRESS;**
 - (3) **SCHOOL PRESENTLY ATTENDED BY STUDENT;**

- (4) PARENT'S LEGAL RELATIONSHIP TO STUDENT, IF APPLICABLE;
- (5) SPECIFIC CATEGORY OR CATEGORIES OF DIRECTORY INFORMATION WHICH IS NOT TO BE MADE PUBLIC WITHOUT THE PARENT'S OR ELIGIBLE STUDENT'S PRIOR WRITTEN CONSENT.

5. Pursuant to applicable law, Independent School District No. 709 hereby gives notice to parents of students and eligible students in grades 11 and 12 of their rights regarding release of information to military recruiting officers and post-secondary educational institutions. The school district must release the names, addresses, 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. Data released to military recruiting officers under this provision may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military and cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

SHOULD THE PARENT OF A STUDENT OR THE ELIGIBLE STUDENT SO DESIRE, ANY OR ALL OF THE LISTED INFORMATION WILL NOT BE DISCLOSED TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS WITHOUT PRIOR CONSENT.

IN ORDER TO REFUSE THE RELEASE OF THIS INFORMATION WITHOUT PRIOR CONSENT, THE PARENT OR ELIGIBLE STUDENT MUST MAKE A WRITTEN REQUEST TO THE RESPONSIBLE AUTHORITY, [DESIGNATE TITLE OF INDIVIDUAL, I.E., BUILDING PRINCIPAL], BY [INSERT DATE] EACH YEAR. THIS 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 WITHOUT PRIOR CONSENT;
- (7) SPECIFIC CATEGORY OR CATEGORIES OF DIRECTORY INFORMATION WHICH ARE NOT TO BE RELEASED TO THE PUBLIC, INCLUDING MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS.

Notice: Refusal to release the above information to military recruiting officers and post-secondary educational institutions alone does not affect the school district's release of directory information to the public, including military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in the Directory Information section of this notice also must be followed. If you do not want your child's or eligible student's directory information released to military recruiting officers or post-secondary educational institutions, you also must notify the school district that you do not want this directory information released to

any member of the public, including military recruiting officers and post-secondary educational institutions.

INDEPENDENT SCHOOL DISTRICT NO. 709
DULUTH, MINNESOTA

Dated: _____

Chair

[Note: The use of this form requesting information about specific activities or behavior is mandated by statute. In addition, the school district is required to maintain such requests and a record of any release in the student's file.]

**JUVENILE JUSTICE SYSTEM
REQUEST FOR INFORMATION**

Family Educational Rights and Privacy Act
Minnesota Government Data Practices Act, Minn. Stat. § 13.32, Subds. 3(i) and 8(b)

DATE/TIME OF REQUEST: _____

TO: _____
(Superintendent of school district or chief administrative officer of school)

FROM: _____
(Requester's name/agency)

STUDENT: _____

BASIS FOR REQUEST:

- _____ Juvenile delinquency investigation/prosecution
- _____ Child protection assessment/investigation
- _____ Investigation/filing of CHIPS or delinquency petition

REASON FOR REQUEST: (Requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student)

RESPONSE TO REQUEST:

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

INFORMATION REQUESTED: (mark all that apply) **RESPONSE PROVIDED:** (yes / no)

Indicate whether you have data that document the student's:

_____ Use of a controlled substance, alcohol, or tobacco _____

- _____ Assaultive or threatening conduct as defined in Minn. Stat. § 13.32, Subd. 8 _____
- _____ Possession or use of weapons or look-alike weapons _____
- _____ Theft _____
- _____ Vandalism and damage to property _____

CERTIFICATION: The undersigned certifies that he or she is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that he or she understands that, by signing this request, he or she is subject to the penalties in Minn. Stat. § 13.09.

Signature/Title

[Note: A principal or chief administrative officer of a school who receives such a request to disclose information about a student to the juvenile justice system shall, to the extent permitted by federal law, notify the student’s parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student’s parent or guardian notifies the principal or chief administrative officer within ten (10) days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer 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 principal or chief administrative officer must respond to the data request.]

STUDENT RECORD UPDATE FORM
PLEASE PRINT

CURRENT STUDENT NAME (First / Middle / Last) : _____

DATE OF REQUEST: _____

STUDENT ID# _____ SCHOOL _____

STUDENT AGE _____ DATE OF BIRTH _____

PLEASE ADD TO OR CHANGE THE FOLLOWING IN THE STUDENT RECORD:

UPDATED STUDENT NAME (First / Middle / Last): _____

GENDER (Required by the State of Minnesota): Female Male

PRONOUNS FLAG: She/Her/Hers He/Him/His They/Them/Their Write-in: _____

EMAIL and HOUSEHOLD RELATIONSHIPS (Change to reflect Updated Student Name) Yes No

- These change(s) are being requested because the student consistently identifies as the name and/or gender requested above.
- I understand that this form does not constitute a legal name and/or gender change and that this form only changes the name and/or gender of the student as reflected in the student records system.
- I understand that this form does not change the name used for "legal documents" including state testing processes or diplomas.
- I understand that the student's original name and/or gender will be retained in the history of the student records system.
- I understand that the State of Minnesota presently requires a gender of either "Female" or "Male" for state reporting purposes.
- I understand that changing my name and/or gender may complicate future record requests.
- I authorize release of the student's original and updated name/gender to authorized parties as part of student records requests.
- I understand the use of this form to indicate specific pronouns results in a "flag" in student records system. This "flag" will be visible to staff directly working with the student to review, listing pronouns.
- I understand that the elements of obscenity, health, and safety may be considered as legitimate causes for denial of my request.
- I understand that request to change the student's last name requires a court order or an updated birth certificate.

By signing and submitting this form, I request Duluth Public Schools change the name and/or gender of the student listed above.

PRINT PARENT / GUARDIAN NAME(S)
(required for students under age 18)

PARENT / GUARDIAN SIGNATURE(S)
(required for students under age 18)

PRINT STUDENT NAME
(Always ask, required for students over age 18)

STUDENT SIGNATURE
(Always ask, required for students over age 18)

Parent or Student: Submit form to Building Principal for approval

For Office Use Only

PRINCIPAL SIGNATURE & Date (effective date)
(Indicates approval to make requested additions or changes)

Building Secretary: Submit approved record updates to tadmin@isd709.org.
Building Secretary: Add flag and pronouns to student records system
Building Secretary: Original to Student Cumulative File

5060 515.1R COLLECTION, MAINTENANCE, AND DISSEMINATION OF STUDENT RECORDS AND INFORMATION

The Superintendent shall approve administrative regulations, which establish procedures and practices in regard to student records to:

1. Ensure that information and data collected from and about students by staff personnel will be used for the educational benefit of the students and attainment of the School District's educational goals and objectives.
2. Ensure that such information and data, be it manually or electronically stored, shall not be released to an unauthorized third party or parties without the written consent of the student and his/her parent or guardian.
3. Grant the student and/or his/her parent or guardian access to all school records pertaining to that student within a reasonable period of time following receipt of a written request by the principal or other designated staff member. If the student is eighteen years of age or older, only he/she may have access to those records, and the student must provide written consent prior to release of his/her records to a third party. The term "third party" includes parents.
4. Permit parents and/or their child the opportunity to challenge alleged inaccurate information within the student's record.
5. Ensure School District compliance with all federal and state statutes, as well as State Board of Education regulations, designed to protect the confidentiality and privacy rights of students and families. In accordance with these requirements, staff will be notified about students with communicable diseases if the information is necessary to provide an appropriate education or if special precautions are required. In accordance with the above requirements, the written permission of the students' parent or legal guardian must be secured.

Designation of a Responsible Authority

The School Board designates the Superintendent as the responsible authority having jurisdiction over all data collected and maintained on individuals.

The duties include:

1. Establishment of procedures and safeguards to ensure that information contained in records is accurate, complete, current, and available.
2. General supervision of collection and storage of data and use and dissemination of data to ensure that such activities are limited to those necessary for the administration and management of authorized programs.
3. Appointment of an individual to be responsible for each file or system containing data on individuals.
4. Document and file a report by August 1 of each year with the Minnesota Commissioner of Administration concerning the nature of all data on individuals which is collected and stored, the need for all, and intended use of such data.

Principals and other designated staff members shall be responsible for the maintenance, confidentiality, and security of student records. Records security at all times shall be maintained, including periods of authorized use as set forth in the administrative regulations.

References: MN Data Practices Act, Chap. 13

Adopted: 0 5-17-2005 ISD 709

5060 515.2R RIGHTS OF STUDENTS AND PARENTS OR GUARDIANS REGARDING DATA COLLECTION

When school officials collect private data for student records, the student's parent or guardian, or the student if age eighteen years or older, shall be informed of the following:

1. Purpose and intended use of the data collected.
2. Whether he/she may refuse or is legally required to supply the data.
3. Possible consequences of supplying or refusing to supply requested information.
4. The identity of persons or entities authorized by state or federal law to receive the data.

Data Collection Requiring Written Consent

Plans for personality testing, diagnostic and assessment, and any other individual testing should proceed only with informed written consent of the student's parent or guardian. When such consent is required, the student's consent should also be obtained in those instances wherein he/she understands the nature and consequence of such data collection. When a student reaches the age of eighteen, or is married whether eighteen or not, his/her consent alone must be obtained.

Parents and students are to be fully informed, in writing, as to the methods by which the data will be collected and the purposes for which the data will be utilized.

This type of data-gathering will be done only by qualified professional staff members.

As noted above, private or confidential data collected on an individual shall not be collected, stored, used, or disseminated by the district for purposes other than those stated to the individual at the time of collection.

Data Collection Through Interview

Certain special problems are presented in gathering data in student interviews by counselors, social workers, nurses, administrators, and psychologists. In most of these situations the requirement of informed consent may not be met, perhaps because of the unforeseeable course of the interview process. It is the responsibility of the professional staff member to help the student understand the implications of the interview situation, to protect the rights of the student regarding confidentiality of information obtained, and to stress the voluntary character of the student's participation. The professional should seek parental consent and perhaps involvement when the student is clearly in need of intervention but declines to participate.

Examination of Records

Upon written request, an individual shall be informed as to whether he/she is the subject of stored data. Upon further request, the individual, or parent or guardian in the case of a minor, shall be shown the data within a reasonable period of time and without any charge.

(Upon request of the individual, parent or guardian, provision for access to the records must be made no later than 45 days after the request has been made.) A school official competent in interpreting records should be available to explain the meaning and implications of certain data included in the records.

After being shown and informed about data contained within the records, the student, parent or guardian need not be given access to the data again for six months thereafter, unless additional data has been collected. An entry in the Record of Inspection shall also be completed.

The School District shall provide copies of the records upon request of the subject individual, parent or guardian in the case of a minor, providing that the cost of such reproduction is borne by the requesting individual.

Exceptions

1. Desk Drawer Information: Student records maintained by instructional personnel are not deemed School District data and need not be disclosed to the student, parent or guardian if they meet all of the following qualifications:
 - a. They are in the sole possession of the maker;
 - b. They are not accessible or revealed to any other individual except a substitute teacher; and
 - c. They are destroyed at the end of the school year.
2. The Superintendent, or his/her designee, is required to provide notification to minor students of their right to request denial of access to the parent or guardian. The Superintendent, or his/her designee, has the authority to withhold certain data from parents or guardians if the Superintendent, or his designee, determine that withholding the data would be in the best interests of the minor student. Such notification should be made part of the student bulletin at each school building or should be included in the Directory Information notice to households.

Right to Challenge Student Records

Following the examination of a student's records by the student, parent or guardian, he/she may elect to contest the accuracy of completeness of the records. If so, the following procedures are to be observed:

1. The student or parent is to notify the responsible authority in writing, describing the nature of the challenge.
2. The responsible authority shall, within thirty (30) days, correct or delete the data if it is found to be inaccurate, incomplete, or irrelevant. He/she must also attempt to notify past recipients of the correcting actions.
3. If the responsible authority finds the data to be accurate and complete, he/she will notify the contesting individual within thirty (30) days that the alleged inaccuracy, incompleteness, or irrelevancy is denied.

4. Should the student or parent choose to appeal the responsible authority's determination, an impartial review panel shall be established by the Superintendent. The burden of proof as to the accuracy of the record shall be on the School District. If the review panel finds the information to be inaccurate, incomplete, or irrelevant, the records shall be corrected.
5. Should the review panel support the responsible authority's contention that the record is accurate, complete, and relevant, the student and his/her parent or guardian shall have the right to prepare and sign written objections to the information. The written objections shall be made a permanent part of the record in question.

Warning to Staff Members Regarding Written Statements

Notes or anecdotal records made by professional staff members regarding a student do not enjoy immunity from charges of libel or slander. If placed in a student's record and exposed to public view, such notes may well be used as a basis for legal action. It is recommended that anecdotal records contain only factual statements and be devoid of value judgments and personal opinions.

References: 20 U.S.C., Sec. 1232g.
(Family Ed Rights and Privacy Act of 1974)
MN Data Practices Act, Chap. 13

Approved: 06-09-1970 ISD 709

Revised: 08-10-1976

07-11-1989

06-20-1995 ISD 709

Transfer of Student Records Within the School District

When a student is enrolled, who has transferred from another school within the School District, the receiving school shall notify the sending school of said enrollment and shall request all records pertaining to the enrollee. The transfer of such records shall not require the written permission of either student, parent or guardian providing the disclosure is to other school officials, including teachers, that are determined to have legitimate educational interests in the information. Records to be transferred include: the Permanent Record Card, the Cumulative File, Health Records, and the Clinical File should one be in existence. Principals are responsible for safe and efficient records transfer. All students including homeless students* will be immediately enrolled.

Transfer of Student Records Outside the School District

The School District may release personally identifiable information from an education record of a student without written consent if

1. The disclosure is to officials of other schools or school systems in which the student seeks or intends to enroll,
2. The student's parent or guardian is notified of the transfer (Notification of Transfer of Student Records to School Outside District 709) and receive a copy of the record if desired, and
3. The student's parent or guardian have an opportunity for a hearing to challenge the content of the record.

The School District shall receive written verification prior to the transfer that the transferee will not permit any other party to have access to such information without the written consent of the parent or guardian of the student.

Whenever possible and practical, written permission to release individual student information should be the method of choice. The use of Release of Personal Information Form, or a comparable form, will accomplish the requirement for signed release should the need arise. The above conditions also apply to applications of high school students sent to post-secondary institutions.

Requests for Transfer of Student Records from Another School District

When a student is enrolled who has transferred from a school in another school district, the receiving school shall notify the sending school of said enrollment and shall request (Request Transfer of Student Records from School Outside District 709 Form) records pertaining to enrollee. While the transfer of such records may not require the written permission of either student, parent or guardian, the written consent (Release of Personal Data Form) to release information may speed the transfer of information important to the continuation of the student's education. All students including homeless students* will be immediately enrolled.

Release of Student Records to Non-School Recipients

No person, agency, or institution shall have access to a student's records except under the following conditions:

1. When proper written consent has been obtained from students 18 years of age or the student's parent or guardian (Release of Personal Data Form). The written consent must specify the records to be released and to whom they may be released. Each request for consent must be made separately. No blanket permission for the release of information shall be allowed.
2. By judicial order or lawfully issued subpoena, upon condition that parents or guardian and the student are notified of all such orders or subpoenas in advance of the compliance therewith by the School District.
3. When student data is required for research purposes and the data will be released in a summary form and individual student data will be unidentifiable.

Directory Information

The School District shall release Directory Information as public information upon request and payment of a fee to cover the costs of publication. All requests for such Directory Information will be directed to the Data Processing Department, CAB, for processing. Under federal law and regulation, Directory Information includes:

1. Name
2. Date and place of birth
3. Participation in officially recognized activities and sports
4. Height and weight of members of athletic teams
5. Dates of attendance
6. Degrees and awards received

The School District will, prior to the start of every school year, give notice to the parent or guardian of every student that

1. The above items will be designated as directory information,
2. The parent or the adult student has the right to refuse to permit the school district to designate some or all of the categories as directory information with respect to that particular student, and
3. The parent, guardian, or adult student has 14 calendar days from the opening day of the school year to notify, using the form provided, the principal of the school the student is attending that this information is NOT to be so designated as to that student.

Information that the School District does not designate as directory information or that the parent, guardian or adult student objects to the designation in the manner provided above, remains as private information and may be released only as described in this regulation.

*The term "homeless children and youth" - a) means individuals who lack a fixed, regular, and adequate nighttime residence...; and b) includes - children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency shelters; are abandoned in hospitals; or are awaiting foster care placement.

References: Federal Register, Volume 67, #46, Pg. 10697-10701, McKinney-Vento Education

of Homeless Children Act Family Ed Rights and Privacy Act of 1974
MN Data Practices Act, Chap. 13

Approved: 06-09-1970 ISD 709

Revised: 08-10-1976

07-11-1989

01-15-1991

06-20-1995

11-19-2002 ISD 709

5060-515.4R ELECTRONIC ACCESS TO STUDENT INFORMATION REGULATION

The Duluth Public Schools uses a secure Internet site to enable electronic access to student information enhancing communication between our parents/guardians, students, teachers, principals, and administrators.

Rights and Responsibilities

This access is a free service offered to all parents/guardians and students of the Duluth Public Schools. Access to student information from the Internet is a privilege, not a right. Only after a child has been enrolled in the Duluth Public Schools will the parent/guardian and/or student be authorized to activate a student information web account. With this learning tool, parents/guardians, students, and staff must understand and practice proper and ethical use.

Information Accuracy Responsibilities

Information accuracy is the joint responsibility of schools, parents/guardians, and students. Each school will make every attempt to ensure information is accurate and complete. If a parent/guardian or student discovers any inaccurate information, they will notify their school.

Access to Information or Information Accessibility

Duluth Public Schools reserves the right to add, modify, or delete functions viewed via the Internet site at any time without notice, including the functions listed below:

1. Attendance
2. Class Schedule
3. Report Cards
4. Transcripts
5. Student Demographics
6. Course Requests
7. Emergency Information
8. Immunizations
9. Work in Progress, test scores

Students enrolled in grades six to twelve, the Adult Learning Center, and alternative programs may request a secure account. A student will only have access to his/her student information.

Electronic Web Access Agreement

To obtain a student information system web account, each parent/guardian must complete and sign an Electronic Web Access Acceptable Use and Safety Policy

Acceptance Form. After verification of information on the form, the school will follow the process outlined in this regulation to establish an account.

If a parent/guardian is unable to visit the school, he/she may download the Electronic Web Access Acceptable Use and Safety Policy Acceptance Form from the District web site. The parent must have the form certified by a notary public and mail the completed and signed form with the notary public seal to his/her child's school.

The school will file the completed form in one of the parent's/guardian's children's Cumulative File and will be maintained in accordance with Minnesota State Law Regarding record retention.

Use of the System

Parents/Guardians and students are required to adhere to the following guidelines:

1. Parents/Guardians and students will act in a responsible, ethical, and legal manner.
2. Parents/Guardians and students will not attempt to harm or destroy the school or District's data or networks.
3. Parents/Guardians and students will not attempt to access information or any account assigned to another user.
4. Parents/Guardians and students will not use this Internet site for any illegal activity, including violation of Federal and State Privacy laws. Anyone found to be in violation of these laws will be subject to civil and/or criminal prosecution.
5. Parents/Guardians and students who identify a security problem within must notify the Duluth Public Schools Technology Department immediately, without demonstrating the problem to anyone else.
6. Parents/Guardians and students will not share their password with anyone, including their own child(ren).
7. Parents/Guardians and students will not set their computer to automatically login to the Internet site.
8. Parents/Guardians and students identified as a security risk will be denied access to the site.

Security Features

1. Access is made available with a secure Internet site.
Note: Account holder is responsible for not sharing their password and to properly protect or destroy any printed/electronic documentation generated from this site.
2. Three unsuccessful login attempts will disable the user's account. The Technology Department will automatically enable a locked account after a predefined waiting period. The minimum wait period will be twenty (20)

- minutes and seventy five (75) minutes for the maximum wait period.
3. The user will be automatically logged off if he/she leaves the web browser open and inactive for a period of time.
 4. All attempts at logging into the system are recorded and monitored, and an audit trail is established.

Initial Account Request and Setup

For parents/guardians new to the District:

1. An Electronic Web Access Agreement can be completed when a parent/guardian enrolls a child/ren.
2. The parent/guardian only needs to complete one Electronic Web Access Agreement for all children in his/her household.
3. For security reasons each parent/guardian must sign the form in the presence of a school secretary, principal, or teacher.
4. If the parent/guardian cannot visit the school, a notary public must witness the parent signing the form and use his/her public seal with a current date.
5. After the student is enrolled into the student information system, the parent/guardian requesting the account will be e-mailed or mailed an activation code and "PersonID".
 - a. The activation key is used by the parent/guardian to create a secure account.
 - b. The "PersonID" is used by the schools to verify a person requesting an account unlock.
6. School will verify parent/guardian identification with an official government identification.
7. The school will file the completed form in one of the parent/guardian child's Cumulative File and it will be maintained in accordance with Minnesota State law regarding record retention.

For parents/guardians with a child already enrolled in the Duluth Public Schools:

1. The parent/guardian only needs to complete one Electronic Web Access Agreement for all children in their household.
2. For security reasons, each parent/guardian must sign the form in front of the school secretary, principal, or teacher.
3. The parent/guardian requesting the account will be given an activation code and "PersonID".
 - a. The activation key is used by the parent/guardian to create a secure account.
 - b. The "PersonID" is used by the schools to verify a person requesting an account unlock.
4. School will verify parent/guardian identification with an official government identification.
5. The school will file the completed form in one of the parent/guardian

child's Cumulative File and it will be maintained in accordance with Minnesota State law regarding record retention.

For students:

1. Students from grades six through twelve can request their own account from their school.
2. A student requesting an account will be given an activation code and "PersonID".
 - a. The activation key is used by the student to create a secure account.
 - b. The "PersonID" is used by the schools to verify a person requesting an account unlock.
3. Schools will verify the student identification.

For schools:

1. The activation code will not be given to a parent/guardian or student without first verifying the identity of the requestor.
2. The Electronic Web Access Agreement signed by a parent/guardian will be maintained in only one child's Cumulative File for that parent.

Forgotten User Name and/or Password

If a Parent/Guardian or student has forgotten their user name and/or password, they can request help by calling the Technology Department at (218) 336-8754. The requester will be asked a series of random questions from the family/student data stored in the system to verify their identity. If the requester is unable to answer the questions, he/she will be directed to go to the child's school to resolve the issue. In this case, the Technology Department will e-mail the child's school secretary and explain the problem.

System Requirements

The most current system requirements will be posted to the Duluth Public Schools web site.

Support

Telephone support for issues concerning student information or procedures will be available between the hours of 9:00 am and 3:00 pm at the student's school. The school will identify the caller using the PersonID. If the caller reaches voicemail system he/she needs to leave their name, phone number, the best time to contact, and a brief description of the problem.

Limitation of School District Liability

The Duluth Public Schools will use reasonable measures to protect student information from unauthorized viewing. The District will not be responsible for financial obligations arising through unauthorized use of the District's system or Internet. The District does not promise any particular level or method of access to the Internet site for viewing student information. The District will not be responsible for actions taken by the parent/guardian or student that would cause compromise of their student information. The District reserves the right to limit or terminate the Internet site for viewing student information without notice. All parents/guardians and students of the District network by requesting an Internet site for viewing student information account consent to electronic monitoring and understand that this is a private network used as an educational tool by ISD 709 employees and students. Activity is electronically recorded.

References: Duluth School District Policy 5085 (School Discipline Policy)
Duluth School District Policy 3187 (Use Policy for Technology and Internet Access)

Adopted: 05-17-2005 ISD 709

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