



**FOREST LAKE AREA SCHOOLS**

6100 N 210th St • Forest Lake MN 55025

(651) 982-8100 • [www.flaschools.org](http://www.flaschools.org)

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January 16, 2015

TO: Shannon Betancourt  
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FROM: Donna M. Friedmann *DMF*  
Director of Administration & Human Resources

SUBJ: POLICY COMMITTEE MEETING

The next meeting of the Policy Committee will be held promptly at 7:00 p.m. on Thursday, January 22, 2015, in the boardroom at the district office. The agenda for this meeting is enclosed. Please contact me at (651) 982-8123 if you are unable to attend this meeting.

DMF/kk

INDEPENDENT SCHOOL DISTRICT NO. 831  
Forest Lake, Minnesota 55025

*Policy Committee Meeting*  
*January 22, 2015 – 7:00 p.m. – District Office Boardroom*

**AGENDA**

1. Student Transportation Safety Policy 531 – Annual Review
  2. Anti-Bullying Policy 541 – Annual Review
  3. Teacher Facilities Policy 405 – per Donna M. Friedmann
  4. Staff Meetings Policy 410 – per Donna M. Friedmann
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5. Consideration of Other Policies to be Scheduled for Review
  6. Other Matters
  7. Annual/Requested Policy Reviews
    - Crisis Management Policy 538 (February 2015)
    - Administering Medication Policy 528 (February 2015 per DMF)
    - Discipline Policy 515 (February/March 2015)
    - Harassment and Violence Policy 425 (April 2015)
    - Family & Medical Leave Policy 428 (September 2015)
    - Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (September 2015)
    - Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (September 2015)
    - Wellness Policy 546 (September 2015)
    - Student Sex Nondiscrimination Policy 421 (October 2015)
    - Technology Acceptable Use and Safety Policy 540 (November 2015)
    - School Board Member Reimbursement Guidelines Policy 103A (December 2015)
    - Out-of-State Travel by School Board Members Policy 103B (December 2015)
    - Anti-Bullying Policy 541 (January 2016)
    - Student Transportation Safety Policy 531 (January 2016)
  8. Future Policy Review
    - Naming of School Buildings or Portions Thereof Such as Naming a Gymnasium
    - Random Drug Testing
  9. Policies at School Board for Action:
    - Special Education Records and Records Retention Policy 505A – Pending MN Historical Society Review
    - Technology Acceptable Use and Safety Policy 540 – Approved on 1/8/15
    - Emergency Closing of Schools and Activities Cancellation Policy 608 – Approved on 1/8/15
    - School Board Member Reimbursement Guidelines Policy 103A – Approved on 1/8/15-Needs reapproval
    - Out-of-State Travel by School Board Members Policy 103B – Approved on 1/8/15
    - Professional Behavior Policy 409 – 1<sup>st</sup> reading on 1/8/15
    - Short Term Classified Substitutes Policy 434 – 1<sup>st</sup> reading on 1/8/15
    - Use of Student Records Policy 505 – 1<sup>st</sup> reading on 1/8/15

**I. PURPOSE**

The purpose of this Policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

**II. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING**

A. School Bus Safety Week.

The first week of school is designated as school bus safety week.

B. Student Training.

1. The School District shall provide students enrolled in grades kindergarten through grade 10 with age appropriate school bus safety training in the following concepts. ~~Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:~~
  - a. transportation by school bus is a privilege not a right;
  - b. District policies for student conduct and school bus safety;
  - c. appropriate conduct while on the bus;
  - d. the danger zones surrounding a school bus;
  - e. procedures for safely boarding and leaving a school bus;
  - f. procedures for safe street or road crossing; and
  - g. school bus evacuation.
2. Each nonpublic or charter school located within the district must provide all nonpublic or charter school pupils enrolled in kindergarten through grade 10 who are transported by school bus at public expense and attend school within the district's boundaries with training as required in paragraph (1).
3. Students enrolled in kindergarten through grade 6 ~~who are transported by school bus and are~~ enrolled during the first or second week of school must receive the school bus safety training competencies by the end of the third week of school. Students in grades kindergarten through grade 3 must receive the training twice each school year. Students enrolled in grades 7 through 10 ~~who are transported by school bus and are~~ enrolled during the first or second week of school and have not previously received school bus safety training must receive the training or receive bus safety instructional materials by the end of the sixth week of school. Students enrolled in kindergarten through grade 10 who enroll in a school after the second week of school and are transported by school bus and have not received training in their previous school district shall undergo school bus safety training or receive bus safety instructional materials ~~within four weeks of the first day of attendance~~ by the end of the sixth week of school. Upon request of the superintendent of schools, the school transportation safety director in each district must certify to the superintendent that all students transported by school bus within the district have received the school bus safety training according to this section. Upon request of

the superintendent of the school district where a nonpublic or charter school is located, the principal or other chief administrator of each nonpublic or charter school must certify to the school transportation safety director of the district in which the school is located that the school's students transported by school bus at public expense have received training according to this section.

4. The School District will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
5. The District ~~will~~ may, to the extent possible, provide kindergarten students with school bus safety training before the first day of school.
6. The School District ~~will~~ may also provide student safety education for bicycling and pedestrian safety.
7. The School District's curriculum for transportation is maintained and available for review in the office of the Transportation Safety Director.
8. Nonpublic or charter school students transported by the School District will receive School Bus Safety training in their nonpublic or charter school. The nonpublic or charter school must certify to the School District's School Transportation Safety Director that all students have received the appropriate training.
9. Students taking driver's training instructional classes must receive training in the laws and proper procedures when operating a motor vehicle in the vicinity of a school bus as required by section 169.446, subdivisions 2 and 3.

### **III. PARENT AND GUARDIAN INVOLVEMENT**

#### **A. Parent/Guardian Responsibilities For Transportation Safety.**

1. Become familiar with District rules and policies, regulations and principles of school bus safety.
2. Assist students in understanding safety rules and encourage them to abide by them.
3. Recognize their responsibilities for the actions of their children.
4. Support safe riding and walking practices and reasonable discipline efforts.
5. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
6. Support procedures for emergency evacuation, and procedures in emergencies as set up by the School District.
7. Respect the rights and privileges of others.
8. Communicate safety concerns to school administrators.
9. Monitor bus stops, if possible.
10. Support all efforts to improve school bus safety.

11. Have their children to the bus stop five minutes before the bus arrives.
12. Have their children properly dressed for the weather.
13. Have a plan in case the bus is late.

B. Parent/Guardian Notification.

A copy of the School District school bus and bus stop rules will be provided to each family at the beginning of the school year or when a child enrolls, if this occurs during the school year. Parents/guardians are asked to review the rules with their students.

#### IV. CONDUCT ON SCHOOL BUSES AND CONSEQUENCES FOR MISBEHAVIOR

- A. Riding the school bus is a privilege, not a right. Students are expected to follow the same behavioral standards while riding school buses as are expected on school property or at school activities, functions or events. All school rules are in effect while a student is riding the bus or at the bus stop.
- B. Consequences for school bus/bus stop misconduct will be imposed by the Building Principal or the Principal's designee. In addition, all school bus/bus stop misconduct will be reported to the District's Transportation Safety Director and may be reported to local law enforcement.

1. School Bus and Bus Stop Rules.

The School District school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the ~~School District's Transportation Office~~/School Office. Upon completion of the investigation of student misconduct, a copy of the form will be forwarded to the School District Transportation Office.

2. Rules at the Bus Stop.

- a. Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will stop, but not wait for late students.
- b. Respect the property of others while waiting at your bus stop.
- c. Keep your arms, legs and belongings to yourself.
- d. Use appropriate language.
- e. Stay away from the street, road or highway when waiting for the bus. Wait until the bus stops before approaching the bus.
- f. After getting off the bus, move away from the bus.
- g. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal ~~to~~ you before crossing the street.
- h. No fighting, harassment, intimidation or horseplay.
- i. No use of alcohol, tobacco, e-cigarettes or drugs.

3. Rules on the Bus.
  - a. Immediately follow the directions of the driver.
  - b. Sit in your seat facing forward.
  - c. Talk quietly and use appropriate language.
  - d. Keep all parts of your body inside the bus.
  - e. Keep your arms, legs and belongings to yourself.
  - f. No fighting, harassment, intimidation or horseplay.
  - g. Do not throw any object.
  - h. No use of alcohol, tobacco or drugs.
  - i. Do not bring any weapon or dangerous objects on the school bus.
  - j. Do not damage the school bus.
  - k. Do not eat or drink on the school bus on regular school bus routes to and from school. Exceptions will be made for medical reasons.
  
4. Consequences.
  - a. Consequences for school bus/bus stop misconduct will apply to all regular and late activity routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extra-curricular events (for example, field trips or competitions) will be in the sole discretion of the School District. Parents/guardians will be notified of any offenses and/or suspension of bus privileges.
    - 1) Elementary (K-6) per school year.
      - 1st offense -- warning
      - 2nd offense -- warning or 1-3 school day suspension from riding the bus
      - 3rd offense -- 5 school day suspension from riding the bus
      - 4th offense -- 10 school day suspension from riding the bus / meeting with parent/guardian
      - Further offenses -- individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.
  
    - 2) Secondary (7-12) per school year.
      - 1st offense -- warning
      - 2nd offense -- 3-5 day suspension from riding the bus
      - 3rd offense -- 10 day suspension from riding the bus
      - 4th offense -- 20 day suspension from riding the bus/meeting with parent/guardian
      - 5th offense -- suspended from riding the bus for the remainder of the school year
  
    - 3) Other Discipline.

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense,

consequences such as suspension or expulsion from school may also result from school bus/bus stop misconduct.

A school bus driver shall have the authority to remove a student from the bus for one day for misbehavior considered to be causing an immediate and substantial danger to self or surrounding persons or property, provided the driver follows the administrative regulations addressing these suspensions. The driver must make direct contact (telephone or meeting) with the parent/guardian prior to the end of the evening on the day preceding the removal from the bus.

- 4) Records.  
Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Records may also be maintained in the transportation office.
- 5) Vandalism/Bus Damage.  
Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within two weeks may result in the loss of bus privileges until damages are paid.
- 6) Notice.  
Students will be given a copy of school bus and bus stop rules during school bus safety training. Rules are to be posted on each bus and both rules and consequences will be periodically reviewed with students by the driver.
- 7) Criminal Conduct.  
In cases involving criminal conduct the Superintendent, local law enforcement officials and the Department of Public Safety will be informed.

## V. SCHOOL BUS DRIVER DUTIES AND RESPONSIBILITIES

All school bus drivers shall be adequately prepared, both physically and mentally, each day to perform required duties. These shall include:

- A. Operating the vehicle in a safe and efficient manner.
  1. Safety. The primary concern of each driver is safety. Drivers will exercise extreme caution during the loading and unloading process as well as when driving.
  2. Defensive Driving. All drivers are to drive defensively at all times. A definition of defensive driving is: driving in a manner to avoid accident involvement despite

adverse conditions created by roads, weather, traffic, or errors of other drivers or pedestrians.

3. Driving Adjustments. Winter and wet weather driving may require adjusting speed and normal driving practices to compensate for road conditions.
  4. Emergency Doors. Emergency doors must be free and operable. Under no circumstances may the doors be obstructed to prevent easy access.
  5. Service Door. The service door of the bus must be closed at all times while the bus is in motion.
  6. Overloads. The registration card in all vehicles designates the maximum number of passengers allowed to be carried. This limit cannot be exceeded. A driver should call the designated individual for instructions should a vehicle become overloaded.
  7. Railroad Crossings. All ~~vehicles~~ school buses, which includes Type III vehicles, used to transport must stop at railroad crossings, using required procedures, whether they are loaded or empty. School buses shall not activate the eight-way lights; four-way hazard lights are to be used before stopping and when crossing the tracks.
  8. Speeding and Other Moving Violations. No bus will travel faster than road, traffic and weather conditions safely permit, regardless of the posted speed limit. Any driver convicted of a moving violation with a school bus will face disciplinary action. Other reports or warnings regarding speeding will result in suspension and/or termination.
  9. Tobacco Products Prohibited. Smoking or use of tobacco products by either the driver or the passengers is prohibited on any school bus, Type III vehicle, or on school property.
- B. Conducting thorough pre-trip and post-trip inspections of the vehicle and special equipment.
1. Pre-Trip/Post-Trip Bus Inspection. Drivers are required to ~~make perform~~ a pre-trip inspection of the bus before each trip. Failure to do so is a violation of State law. Defects are to be reported in writing. Drivers are required to check their buses for students, vandalism and articles left on the bus after each route segment.
  2. Safety Equipment. All drivers are responsible for ensuring that the necessary safety equipment is aboard the bus, including fire extinguisher, first aid kit, bodily fluids clean-up kit, ~~flashlight~~, reflectorized emergency warning device, and any additional items required by the District. Drivers of vehicles for disabled students



will ensure all student health information cards will be maintained as a hard copy on the vehicle or available through 2-way communication in the dispatch office.

3. Bus Cleaning. Drivers are required to keep the interior of their buses swept and free of trash at all times.
  4. Fueling. The driver is responsible for ensuring that his or her assigned vehicle is adequately fueled before leaving the yard. Smoking is prohibited on all district grounds, including in the fueling area. Smoking in the fueling area will result in serious disciplinary action up to and including termination of employment, regardless of the existence or lack previous disciplinary measures. The engine shall be turned off while fueling. Drivers should never fuel with passengers aboard.
- C. Ensuring the safety, welfare and orderly conduct of passengers while on the bus. (See Section II).
- D. Meeting emergency situations in accordance with operating procedures. (See Sections VIII and VI).
- E. Communicating effectively with school staff, students, parents, law enforcement officials and the motoring public.
1. Relations with Students. Bus drivers will treat students with respect and will refrain from any conduct which is intended or could be perceived as demeaning, intimidating or harassing.
  2. Relations with School Officials. School officials can and will be of considerable assistance to drivers. They are trained in the education of students and it is in their best interest that control and discipline be maintained on the bus. Therefore, it is very important drivers have good relationships with the school officials and give them full cooperation.
  3. Relations with the Public. It is important to remember that to the general public, the driver represents the School. Buses are one of the most visible vehicles on the road. Drivers must deal with students, parents, and other motorists in a polite, professional and considerate manner.
  4. Student Discipline. Although drivers are responsible for maintaining order on the bus, drivers must always remember that the types of actions they may use are limited. Drivers must never, under any circumstances, use corporal punishment. Drivers have no authority to permanently deny a child the privilege of riding the bus, or drop the student at other than the designated stop. Any denial of bus-riding privileges can come only from the school authorities, except as noted under Section IV. B.4.a.3.

5. Route Problems. Any problems, of whatever kind, encountered by a driver on the routes or trips should be brought to the attention of the Office of the Transportation Safety Director as soon as possible.
  6. Unauthorized Passengers. Only authorized passengers may be transported in a bus. Any other passenger must be specifically approved by the Director of Transportation or his/her designee.
  7. Notices. It is the responsibility of the driver to check for notices each day and to check with his or her supervisor regularly.
- F. Completing required reports.
- It is the responsibility of the driver to completely fill out and timely turn in all reports, discipline referrals, time cards, and mechanical defect slips as required. This includes all requirements pertaining to pre-trip inspections and stop-arm violation reports.
- G. Completing required training programs successfully. (See Section VII).
- H. Providing maximum safety for passengers during loading and unloading.
1. Standing Prohibited. Standing is not allowed on a moving school bus. Drivers must not move a bus from a stopped position until all passengers are seated. Students are to remain seated until the bus has stopped.
  2. Dangerous Articles. No weapons or articles that may be classified as dangerous, may be transported on a school bus. This includes any and all weapons, gasoline cans, animals, and other dangerous or objectionable items. Possession of weapons on school property or the bus will not be tolerated. Companion dogs are allowed.
  3. Driver must wear the seat belt whenever the bus is in motion. Additional driver duties and responsibilities may be found in the driver handbook.

## **VI. OPERATING RULES AND PROCEDURES**

- A. General Operating Rules.
1. All routes shall be on file with the School District's School Transportation Safety Director.
  2. Only students assigned to the school bus by the District shall be transported. The number of students or other authorized passengers transported in or assigned to a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.

3. Drivers are to enforce the provisions of the school bus and bus stop rules as appropriate. Students may be released from the bus at only three points, the approved bus stop, shuttle location or at school, except in case of an emergency.
4. The parent/guardian may designate by a signed, written request a day care facility, respite care facility, the residence of a relative or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet other eligibility requirements.
5. Students who misbehave severely may be returned to the school immediately and reported to the Building Principal or other designated individual.
6. Safety evacuation drills for the student-passengers shall be conducted at least twice a year.
7. There shall be no students in the bus while the fuel tank is being filled. On leaving the vehicle when students are in the bus, the driver shall stop the bus, remove the ignition key, set the brakes and otherwise render the bus immobile.
8. Buses shall not be run backwards on the school grounds or any other point if it can be avoided. If it is necessary to run a bus backwards on school grounds, the driver shall have another responsible person act as a guard flagman in back of the bus to keep other persons out of the path and to issue warnings to the driver of approaching traffic.
9. When arriving or leaving the school grounds, the driver must not follow closer than 50 feet from the vehicle directly in front of the bus or closer than 500 feet when traveling on the highway.
10. No school bus shall pull any trailer when students are being transported on regular routes to or from school.
11. In case of an accident or breakdown of the bus, the driver shall contact the dispatcher using the two-way radio. If no radio contact is available, the driver shall not leave the bus unattended.
12. The District may adopt such additional operating rules as are deemed necessary to meet local conditions and needs, provided they do not conflict with State laws and regulations.
13. A bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion. For purposes of this paragraph, "school bus" has the meaning given in Minn. Stat. § 169.011, Subd. 71. In addition,

“school bus” also includes type III vehicles when driven by employees or agents of the school district. “Cellular phone” means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

14. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
15. To the extent practical, the school district will designate school bus loading/unloading zones at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

B. Use of Signals, Loading or Unloading.

1. The driver shall activate the flashing eight-light system of the bus at least 300 feet before stopping to load or unload students, in a speed zone of more than 35 mph and 100 feet in a speed zone of 35 mph or less, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the roadway or highway are safely across.
2. Bring the vehicle to a complete stop in the right hand lane of the roadway parallel to the center line.
3. Prior to discharging students, open door, activate red flashing lights and extend the stop arm. Discharge students only after all traffic (front and rear) has come to a complete stop.
4. Keep ~~door open and~~ eight-light system operating until all students have been loaded or unloaded safely.
5. The driver should avoid loading or unloading students where the view is obstructed to other motorists for 500 feet in either direction.
6. The driver will not permit students to stand or get on or off the bus while it is in motion.
7. The driver will bring the bus to a full stop and disengage gears by shifting gear shift lever into neutral position or selector into neutral or park position before loading or unloading students.
8. Buses shall load and unload students only at designated locations.

C. Crossing Highways and Streets.

1. The driver shall be responsible for safely delivering the students who must cross the highway or street by one of the following methods:

- a. Students shall pass approximately 10 feet in front of the school bus so as to be seen by the driver and cross the road only upon receiving a hand signal from the driver, or
- b. The student shall pass approximately 10 feet in front of the bus so as to be seen by the driver and be conducted across the road by the school bus patrol, or
- c. The driver shall personally conduct the students across the road after following required procedures for disabling the bus.
- d. The driver shall visually ascertain that students getting off the bus who do not need to cross the road are a safe distance from the bus before moving the vehicle.

D. Type III Vehicles.

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.
4. A type III vehicle cannot be older than 12 years old unless excepted by state and federal law.
5. If a type III vehicle is school district owned, the school district name will be clearly marked on the side of the vehicle. The type III vehicle must not have the words "school bus" in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A "type III vehicle" must not be outwardly equipped and identified as a type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.

9. Any type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into park. Any type III vehicle used to transport students must not load or unload so that a student has to cross the road, except where not possible or impractical, then the driver or assistant must escort a student across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any type III vehicle used to transport students must carry emergency equipment including:
  - a. Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
  - b. First aid kit and body fluids cleanup kit. A minimum of a ten-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver's compartment and must be marked to indicate their identity and location.
  - ~~e. A type III vehicle must contain at least three red reflectorized triangle road warning devices. Liquid burning "pot type" flares are not allowed.~~
  - c. Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a type III vehicle. Also, parents may use a private vehicle to transport their own children under a contract with the district. The school district has no system of inspection for private vehicles.
12. All drivers of type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school district will not knowingly allow a person to operate a type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.

E. Type III Vehicle Driven by Employees with a Class A-D Driver's License

1. The holder of a Class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle, described above, under the following conditions:
  - a. The operator is an employee of the entity that owns, leases, or contracts for the school bus, which may include the school district.
  - b. The operator's employer, which may include the school district, has adopted and implemented a policy that provides for annual training and certification of the operator in:
    - (1) safe operation of a type III vehicle;
    - (2) understanding student behavior, including issues relating to students with disabilities;
    - (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
    - (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
    - (5) handling emergency situations;
    - (6) proper use of seat belts and child safety restraints;
    - (7) performance of pretrip vehicle inspections;
    - (8) safe loading and unloading of students, including, but not limited to:
      - (a) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;
      - (b) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
      - (c) avoiding a loading or unloading location that would require a student to cross a road, or ensuring that the driver or an aide personally escort the student across the road if it is not reasonably feasible to avoid such a location; and

- (d) placing the type III vehicle in “park” during loading and unloading;  
and
- (9) compliance with paragraph V.E. concerning reporting convictions to the employer within ten days of the date of conviction.
- c. A background check or background investigation of the operator has been conducted that meets the requirements under Minn. Stat. § 122A.18, Subd. 8, or Minn. Stat. § 123B.03 for school district employees; Minn. Stat. § 144.057 or Minn. Stat. Ch. 245C for day care employees; or Minn. Stat. § 171.321, Subd. 3, for all other persons operating a type A or type III vehicle under this section.
- ~~d. Operators shall submit to a physical examination as required by Minn. Stat. § 171.321, Subd. 2.~~
- ~~e. The operator’s employer has adopted and implemented a policy that provides for mandatory drug and alcohol testing of applicants for operator positions and current operators, in accordance with Minn. Stat. § 181.951, Subds. 2, 4, and 5.~~
- d. The operator’s driver’s license is verified annually by the entity that owns, leases, or contracts for the school bus.
- e. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of violating Minn. Stat. § 169A.25, § 169A.26, § 169A.27 (driving while impaired offenses), or § 169A.31 (alcohol-related school bus driver offenses), or whose driver’s license is revoked under Minn. Stat. §§ 169A.50 to 169A.53 of the implied consent law, or who is convicted of or has his or her driver’s license revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for five years from the date of conviction.
- f. A person who has ever been convicted of a disqualifying offense as defined in Minn. Stat. § 171.3215, Subd.1(c), (*i.e.*, felony, controlled substance, criminal sexual conduct offenses, or offenses for surreptitious observation, indecent exposure, use of minor in a sexual performance, or possession of child pornography or display of pornography to a minor) may not operate a type III vehicle.
- g. A person who sustains a conviction, as defined under Minn. Stat. § 609.02, of a moving offense in violation of Minn. Stat. Ch. 169 within three years of the first of three other moving offenses is precluded from operating a type III vehicle for one year from the date of the last conviction.





- c. The operator is prohibited from using the eight-light system if the vehicle is so equipped.
  - d. The operator has submitted to a background check and physical examination as required by Minn. Stat. § 171.321, Subd. 2.
  - e. The operator has a valid driver's license and has not sustained a conviction of a disqualifying offense as set forth in Minn. Stat. § 171.02, Subd. 2a(h) - 2a(j).
  - f. The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by passengers, in addition to the training required in Section VI., above.
  - g. The bus has a gross vehicle weight of 10,000 pounds or less and is designed to transport 15 or fewer passengers, including the driver.
2. The school district shall maintain annual certification of the requirements listed in this section for each Class D license operator.
  3. A school bus operated under this section must bear a current certificate of inspection.
  4. The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this section.

## **VII. SCHOOL BUS DRIVER TRAINING**

### **A. Training.**

All new bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction before transporting students and shall meet the competencies specified by the Department of Public Safety. All school bus drivers shall receive in-service training annually. The following driver training standards represent the minimum areas of training which each driver must receive prior to entering service to the School District.

1. Pre-Trip Inspection  
Both new and experienced drivers must be familiar with the elements of the mandatory pre-trip inspection required under Minnesota law including:

- a. The engine compartment -- belts, valves, fluid leaks
  - b. Engine start, warning lights, gauges, horn
  - c. Fuel level
  - d. Brakes -- pedal reserve and air/vacuum gauges
  - e. Interior -- seats, floor, lights
  - f. Electrical charging system
  - g. Emergency door
    - 1) smooth latch operation
    - 2) alarm buzzer
  - h. Entrance door operation
  - i. Lift door operation and alarm
  - j. Lift equipment for wheelchairs
  - k. Wheels, service brakes, emergency brake
  - l. Exterior lights -- headlights, brake lights, ~~market marker~~ lights, turn signals
  - m. Exhaust system
  - n. Windows, windshield, and inspection sticker
  - o. Eight-light system and stop arm
  - p. Emergency equipment -- first aid kit, ~~bodily~~ body fluids clean-up kit, ~~flashlight~~, reflectors, two-way radio
2. Fundamentals and Techniques of School Bus Driving  
 The driver training program must include:
- a. Relevant laws
  - b. Rules of the road and School District safety policies
  - c. Defensive driving
  - d. Driving in inclement weather conditions
    - 1) reduced visibility -- rain, snow, fog
    - 2) wet roads
    - 3) icy roads
  - e. Dealing with pedestrians and students in traffic
  - f. Operation of the manual or automatic transmission
  - g. The use of the drive train for stopping the school bus
  - h. Situations where the hand brake will and will not stop a moving bus
  - i. Steering and turning techniques
  - j. Right and left turn maneuvers
  - k. Gauging the speed of other vehicles on cross streets
  - l. Use of mirrors
  - m. Merging into traffic
  - n. Visual perceptions
  - o. Safe following distances
  - p. Safe passing procedures
  - q. Safe backing procedures
  - r. Use of the eight-light system and School District policy regarding its use
  - s. Loading and unloading procedures

- t. Knowledge of the danger zone concept
  - u. Policies and Procedures for grade level railroad crossings
  - v. Emergency use of the public address system
  - w. Response to an approaching emergency vehicle while unloading
  - x. Leaving the bus unattended at school sites
3. Special Education Transportation  
 Special education transportation requires skills and abilities that exceed those required to provide normal school bus service. Drivers and Bus Aides will be familiar with:
- a. Handling of wheelchairs
  - b. Operation of lift equipment
  - c. What to do in a medical emergency
  - d. Proper use of wheelchair securement devices
  - e. School District policies on the use of seat belts on designated students
  - f. Handicapping conditions
  - g. Responsibilities of the bus driver and the bus aide
  - h. School District policy in situations where a responsible person is not available to receive a student
4. Emergency Procedures  
 Drivers must be prepared to deal with emergency situations while operating on routes and field trips. Included in these emergency situations are mechanical breakdown, fire, accident, or passenger injury. Drivers are to receive training in:
- a. Identifying the degree of an emergency before beginning an evacuation
  - b. Identifying a safe evacuation unloading area
  - c. Preplanning emergency evacuations for both conventional and lift buses
    - 1) front rear, and both door evacuations
    - 2) evacuation of special education students
    - 3) evacuation of physically disabled students and students using wheelchairs
    - 4) placement of students in a safe location
  - d. Cooperation in emergency evacuation drills
  - e. Mechanical breakdowns
    - 1) stop bus in safe location
    - 2) keep passengers in bus if safe to do so
    - 3) take steps to warn motorists
    - 4) radio or call for assistance
  - f. How to secure the school bus and place emergency triangles
  - g. Use of the two-way communication system in an emergency
  - h. When it is appropriate to evacuate the school bus
  - i. How to supervise an emergency evacuation
  - j. Emergency evacuation of the disabled
  - k. Special considerations when evacuating a lift bus
  - l. Lifting techniques for handling disabled students in an emergency situation

- m. Priorities when dealing with injured passengers
- n. How to use the school bus first aid kit
- o. Use and operation of the fire extinguisher
- p. Dealing with other motorists and the police
- q. Use of emergency reflectors and hazard lights
- r. Control of exposure to blood borne pathogens
- s. Use of body fluid clean-up kits
- t. School District policy on medical emergencies
- u. Recognition and handling of epileptic seizures
- v. How to respond if a passenger has a weapon on the bus

5. First Aid

All drivers must be certified in first aid and CPR and be familiar with the procedures for dealing with obstructed airways, shock, bleeding and seizures.

6. Private or Confidential Student Information

Types of student data that are considered private or confidential under Minnesota Statutes

7. Student Discipline

- a. Creating a positive attitude on the school bus
- b. Oral and visual communications skills between the driver and the passenger
- c. Dealing confidently with a disruptive student
- d. District discipline policy
- e. Developing and enforcing workable rules
- f. Incident report forms
- g. District policy on possession of weapons by a student
- h. District policy on sexual, racial and religious harassment/violence
- i. District policy on smoking

8. Human Relations

- a. Appropriate driver behavior
- b. Sensitivity to a diverse student population
- c. Sensitivity to handicapping conditions
- d. Relations with parents and school staff
- e. Working with a special education bus aide

9. Chemical Abuse

- a. How alcohol and/or drugs can affect driving skills
- b. Drug-testing programs
- c. State and federal requirements

B. Evaluation.

All drivers will be evaluated for the following competencies at least once annually:

- 1. safely operate the type of school bus the driver will be driving

2. understand student behavior, including issues relating to students with disabilities
3. ensure orderly conduct of students on the bus and handle incidents of misconduct appropriately
4. know and understand relevant laws, rules of the road and local school bus safety policies
5. handle emergency situations
6. safely load and unload students, and;

## **VIII. EMERGENCY PROCEDURES**

### **A. Fire.**

In the event of a fire, the first priority is to evacuate the bus. Drivers will make certain passengers are safe before attempting to put out the fire.

### **B. Injuries/Medical Emergencies.**

Drivers should first contact the dispatcher to call 911 in the case of serious injuries. Drivers should administer proper first aid in accordance with their training and level of ability. In the event an injured passenger is taken to the hospital, record the students' name and the name of the hospital where the student is sent.

### **C. Tornado.**

If there is likelihood that the tornado will hit a vehicle, and there is no escape route available or no time to drive to a safe location, the driver should evacuate the bus, taking the first aid kit. The driver will take the students to the basement of a nearby building or to the nearest depression or ditch upwind (toward the storm) of the bus far enough away from the bus so that the bus will not roll over on them and instruct them to cover their heads with their arms. If the students are wearing coats or jackets, these can be used to provide additional protection for their heads and bodies. Drivers should take only the first aid kit from the bus.

If drivers are on the road when they hear a tornado warning or spot a funnel, and there is no time to evacuate the students after stopping the bus, drivers should have the students assume the protective position, remaining in their seats, with their heads below window level.

### **D. Evacuation.**

Drivers should evacuate buses only when there is a danger of fire, collision or other potential hazard. Drivers should inform passengers that there is an emergency, and in very calm and precise terms, tell them exactly what they are to do. When safely possible, drivers will keep all evacuees a minimum of 100 feet from the bus. They should be loaded back onto the bus only when the driver has determined it is safe to do so.

### **E. Accident.**

In case of an accident, the driver should immediately assess students for injuries. In the event of serious emergencies or injuries, the driver must first contact 911 or the

dispatcher in order to initiate a 911 call. After the 911 call, the driver must begin any emergency first aid procedures if necessary. The driver must also notify the School District of any school bus accidents immediately.

Upon providing emergency care and notifying the District, the driver shall:

1. In cooperation with police officer and/or ambulance service, assist with the care of students.
2. See that all injured students receive proper care.
3. Determine facts pertaining to accident.
4. Call Transportation/District staff to give list of names and circumstances so they can begin calling parents.
5. Discuss the accident only with police and School District officials.
6. Record all students' names.
7. Not leave the scene of an accident until released by the driver's supervisor.

Before leaving for the day, the driver shall fill out an accident report. All bus accidents will be reported to the Department of Public Safety.

F. Cold Weather Stop.

If a driver is stuck or stalled in cold weather, the driver should call for assistance and wait for help. The driver should avoid relying on the engine to provide heat for the driver and passengers as long as possible. If it is necessary to run the engine to provide heat, the driver will make sure the exhaust pipe is clear of snow, open windows for ventilation, and check passengers frequently for headaches or drowsiness.

G. Dangerous Weapons.

If a driver observes or learns that a passenger may have a dangerous weapon on the bus, he or she should remain calm and call for assistance using a pre-determined code. The driver should give the location of the bus to the dispatcher, continue the route and wait for assistance. The driver should not inform the passenger suspected of having the weapon that he or she knows of the weapon.

H. Lights.

In an emergency stop, the driver should turn on the four-way hazard warning lights, and running or clearance lights.

I. Getting Assistance.

Use the two-way radio communications system to get assistance. Drivers should report the location and number of the bus, the nature of the problem, and the status of the passengers. If the driver cannot use a radio to contact the dispatcher, ask a passerby or other motorist to do so from the nearest telephone. The driver should write out the number and location of the school bus, the nature of the emergency, and the status of the passengers.

## **IX. VEHICLE MAINTENANCE STANDARDS**

- A. All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the School District.
- B. All school vehicles shall be inspected in accordance with legal requirements.
- C. Daily pre-trip inspections shall be required and prompt reports submitted of defects to be immediately corrected.

## **X. EXPENDITURES FOR SCHOOL BUS SAFETY ACTIVITIES**

A description of School District funds expended for school bus safety activities from student transportation reserved revenue is kept in the office of the Transportation Safety Director and is available for review. As required by law, these expenditures will be annually reported to the Department of Public Safety.

The School District's expenditures for transportation safety are incorporated by reference into this policy.

## **XI. SCHOOL TRANSPORTATION SAFETY DIRECTOR**

The School Board has designated an individual to serve as the School District's School Transportation Safety Director. The School Transportation Safety Director shall have day-to-day responsibility for pupil transportation safety, including transportation of nonpublic and charter school children when provided by the District. The School Board authorizes the School Transportation Safety Director to designate each location where a school bus shall not use the stop-signal arm system and flashing red signals while loading or unloading school children. ~~The School Transportation Safety Director shall annually submit in writing all such steps to the School Board for approval.~~ The School Board Policy Committee will annually review this policy and forward it to the School Board for approval. The name, address and telephone number of the School Transportation Safety Director are on file with the Superintendent. Any questions regarding student transportation or this policy should be addressed to the School Transportation Safety Director.

**Legal References:** Minn. Stat. § 122A.18, Subd. 8 (Board to Issue Licenses)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. § 123B.42 (Textbooks; Individual Instructor or Cooperative Learning Material; Standard Tests)  
Minn. Stat. § 123B.88 (Independent School Districts; Transportation)  
Minn. Stat. § 123B.885 (Diesel School Buses; Operation of Engine; Parking)



Minn. Stat. § 123B.90 (School Bus Safety Training)  
 Minn. Stat. § 123B.91 (School District Bus Safety Responsibilities)  
 Minn. Stat. § 144.057 (Background Studies on Licensees and Other Personnel)  
 Minn. Stat. Ch. 169 (Traffic Regulations)  
 Minn. Stat. § 169.011, Subds. 15 and 71 (Definitions)  
 Minn. Stat. § 169.443 (Safety of School Children; Bus Driver's Duties)  
 Minn. Stat. § 169.446, Subd. 2 (Driver Training Programs)  
 Minn. Stat. § 169.451 (Inspecting School and Head Start Buses; Rules; Misdemeanor)  
 Minn. Stat. § 169.454 (Type III Vehicle Standards)  
 Minn. Stat. § 169.4582 (Reportable Offense on School Buses)  
 Minn. Stat. §§ 169A.25-169A.27 (Driving While Impaired)  
 Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)  
 Minn. Stat. §§ 169A.50-169A.53 (Implied Consent Law)  
 Minn. Stat. § 171.02, Subds. 2, 2a, and 2b (Licenses; Types, Endorsements, Restrictions)  
 Minn. Stat. § 171.168 (Notification of Conviction for Violation by a Commercial Driver)  
 Minn. Stat. § 171.169 (Notification of Suspension of License of Commercial Driver)  
 Minn. Stat. § 171.321 (Qualifications of School Bus Driver)  
 Minn. Stat. § 171.3215, Subd. 1(c) (Canceling Bus Endorsement for Certain Offenses)  
 Minn. Stat. § 181.951 (Authorized Drug and Alcohol Testing)  
 Minn. Stat. Ch. 245C (Human Services Background Studies)  
 Minn. Stat. § 609.02 (Definitions)  
 Minn. Rules Parts 7470.1000-7470.1700 (School Bus Inspection)  
 49 C.F.R. § 383.31 (Notification of Convictions for Driver Violations)  
 49 C.F.R. § 383.33 (Notification of Driver's License Suspensions)  
 49 C.F.R. § 383.5 (Transportation Definitions)

***Cross References:***

Policy 304 (Transportation of Pupils)  
 Policy 430 (Transportation Employee Drug & Alcohol Policy)  
 Policy 505 (Use of Student Records)  
 Policy 515 (Discipline Policy)

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## I. GENERAL STATEMENT OF POLICY

The School Board recognizes the negative impact that bullying can have on the health and safety of students and the learning environment. Bullying can create distress, anxiety, lower levels of self-esteem, and feelings of isolation. Bullying materially and substantially disrupts the rights of others to an education and is unacceptable in the educational environment.

Independent School District No. 831, Forest Lake Area Schools, endeavors to maintain a learning and working environment that is free of bullying. Toward that end, bullying is prohibited on school grounds, at school-sponsored events and activities, on school buses and other school sponsored transportation and at school bus stops. The School District acknowledges that for this policy to be effective, school personnel must fulfill their responsibilities assigned by this policy.

## II. DEFINITION OF BULLYING

“Bullying” means repeated behavior by an individual student, an individual student within a group of students, or group of students that is intended to cause the target(s) of the bullying to feel frightened, threatened, intimidated, humiliated, shamed, disgraced, ostracized, or physically abused. Bullying implies an imbalance in power or strength in which the student being bullied has difficulty defending him or herself. Bullying can take many forms, including physical, verbal, social/relational, cyberbullying or via any other method of communication. Cyberbullying includes misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing by sending or posting e-mail messages, text messages, digital pictures or images. Website postings, including blogs, may also constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources. Bullying occurs in many forms, including but not limited to, the following:

- written, verbal, or nonverbal threats
- intimidating or threatening gestures
- unwanted physical contact, violence, or assault
- an intentional display of force that would give the target reason to expect or fear physical contact or injury
- jeering, taunting, or mocking
- teasing
- degrading, insulting, or derogatory comments
- extortion
- theft of money or possessions
- vandalism of a student’s personal property
- unauthorized exercise of control over a student’s personal property

### III. PREVENTATIVE MEASURES

A copy of this policy will be provided to staff, students and parents on an annual basis. Staff will discuss bullying with students and will provide age appropriate examples to assist students in identifying bullying and understanding why it is inappropriate. All students shall be informed that bullying will not be tolerated in any form. All students shall be encouraged to report any bullying regardless of whether they are the target of the bullying or an observer.

When bullying has occurred and it has been dealt with in accordance with this policy, preventative measures shall include:

- administrator or designee checking in with the student who has been bullied, and
- administrator or designee checking in with parents/guardians to see if the bullying has continued.

Additional preventative measures may include encouraging students to become involved in activities such as friendship groups, peer support groups, new student orientation groups and extracurricular activities and clubs.

The School Board will review this policy at appropriate intervals to ensure that it is effective in its aims. As part of its review, the Board may require that a survey be conducted to determine the scope and extent of bullying in each school.

### IV. REPORTING PROCEDURES

**Targets.** All students who believe they have been the target of bullying shall promptly report the bullying to a teacher, building principal, assistant principal or other district staff member.

**Parents/Guardians.** All parents/guardians who become aware of any bullying are encouraged to report the bullying to a teacher, building principal, assistant principal or other district staff member.

**Student Witnesses.** All students who witness or become aware of bullying shall immediately report the bullying to a teacher, building principal, assistant principal or other district staff member.

**School Personnel.** Any staff person who witnesses bullying shall immediately intervene and take appropriate action to stop the bullying. In addition, any staff person who witnesses or receives a report of bullying shall make a report to the building principal, assistant principal, or their designee and follow any other processes put in place by the school for reporting bullying incidents.

**Building Principals.** A principal or assistant principal who observes bullying or receives a report of bullying shall document the incident and ensure that the school process for investigating and following up on bullying incidents is implemented in a timely manner.

## V. DISCIPLINARY AND OTHER ACTION

Consistent and appropriate disciplinary action will be taken for bullying behavior. The primary purpose of such action is to protect the student who has been the target of bullying behavior and to deter bullying behavior in the future. The discipline imposed will match the offense.

In regard to investigating reports of bullying, administrators or their designees shall discuss bullying with the student who has been the target of bullying behavior in a place where the victim feels secure. The initial discussion with the student who has been the target shall not take place in the presence of the offending student(s). If more than one student is involved in perpetrating the bullying, the administrator shall talk to each of the offending students separately.

If an investigation substantiates that bullying has occurred, the building principal or their designee shall take appropriate action consistent with this policy, including placing a written record of the behavior in the offending student(s)'s discipline file.

The District recognizes that parents can play an important role in educating their children and preventing bullying. Accordingly, the parents of each offending student shall be informed of any bullying incidents involving their child. Parents of offending students may be encouraged to attend one or more conferences with an administrator or their designee to review the bullying behavior and cooperative strategies for correcting it.

The building principal or designee shall also inform the parents of the student who has been the target as soon as reasonably possible of any and all bullying behavior involving their child. Parents of students who have been bullied may also be provided with bullying prevention resources to support their child and receive ongoing communications from the school regarding the bullying situation. The principal or designee will inform the parents of the student who has been the target when the investigation has been completed.

Disciplinary action for bullying may include loss of privileges, removal from class, suspension, and expulsion or exclusion. If the building principal believes that the conduct rises or may have risen to the level of a crime, disciplinary action will also include referral to law enforcement officials.

The penalties and prohibitions in this policy are in addition to, and do not replace or supersede, any related provisions in District policy prohibiting conduct such as harassment, violence, assault, and hazing.

Without disclosing personally identifiable data, the School District shall make summary information about violations of this policy available to the public, upon request, consistent with the Minnesota Government Data Practices Act.

The school district is not authorized to disclose to a student who has been the target of bullying 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 involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

## **VI. REPRISAL**

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

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

A summary of this policy shall appear in the student handbook.

The School District will develop and implement a method of discussing this policy annually with students and employees.

This policy shall be reviewed at least annually for compliance with state and federal laws.

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

*Cross References:* Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414  
Harassment and Violence Policy 425  
Hazing Prohibition Policy 431  
Use of Student Records Policy 505  
Discipline Policy 515  
Suspension and Expulsion Policy 516  
Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522  
Student Transportation Safety Policy 531  
School Weapons Policy 532  
Equal Educational Opportunity Policy 535  
Student Disability Nondiscrimination Policy 536  
Student Camera Use in School Policy 517

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MSBA/MASA Model Policy 514

Orig. 2003

Revised: \_\_\_\_\_

Rev. 2014

## **514 BULLYING PROHIBITION POLICY**

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

### **I. PURPOSE**

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

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

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of 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 Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
  - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
  - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
  - 4. The incidence and nature of 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 Commissioner of Education.

## **IX. POLICY REVIEW**

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

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

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

MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil  
Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety  
Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior  
by Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on  
Buses)



**121A.031 SCHOOL STUDENT BULLYING POLICY.**

Subdivision 1. **Student bullying policy; scope and application.** (a) This section applies to bullying by a student against another student enrolled in a public school and which occurs:

- (1) on the school premises, at the school functions or activities, or on the school transportation;
- (2) by use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
- (3) by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.

(b) A nonpublic school under section 123B.41, subdivision 9, consistent with its school accreditation cycle, is encouraged to electronically transmit to the commissioner its antibullying policy, if any, and any summary data on its bullying incidents.

(c) This section does not apply to a home school under sections 120A.22, subdivision 4, and 120A.24, or a nonpublic school under section 123B.41, subdivision 9.

(d) A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the same student bullying policy provisions applicable to the public school students participating in the activity.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

- (b) "District" means a district under section 120A.05, subdivision 8.
- (c) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under section 124D.10.
- (d) "Student" means a student enrolled in a school under paragraph (c).
- (e) "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 behavior 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.
- (f) "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 Web site or forum, transmitted through a computer, cell phone, or other electronic device.
- (g) Intimidating, threatening, abusive, or harming conduct may involve, but is not limited to, conduct that 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; 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; 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 chapter 363A. However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or chapter 363A.

(h) "Prohibited conduct" means bullying or cyberbullying as defined under this subdivision or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

(i) "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. Districts and schools may seek the assistance of the school safety technical assistance center under section 127A.052 to develop and implement remedial responses on behalf of a student who is the target of prohibited conduct, to stop and correct a student engaging in prohibited conduct, and for use with students and adults in the school community.

**Subd. 3. Local district and school policy.** (a) Districts and schools, in consultation with students, parents, and community organizations, to the extent practicable, shall adopt, implement, and, on a cycle consistent with other district policies, review, and revise where appropriate, a written policy to prevent and prohibit student bullying consistent with this section. The policy must conform with sections 121A.41 to 121A.56. A district or school must adopt and implement a local policy under subdivisions 3 to 5 or comply with the provisions of the state model policy in subdivision 6.

(b) Each local district and school policy must establish research-based, developmentally appropriate best practices that include preventive and remedial measures and effective discipline for deterring policy violations; apply throughout the school or district; and foster active student, parent, and community participation. A district or school may request assistance from the school safety technical assistance center under section 127A.052 in complying with local policy requirements. The policy shall:

- (1) define the roles and responsibilities of students, school personnel, and volunteers under the policy;
- (2) specifically list the characteristics contained in subdivision 2, paragraph (g);
- (3) emphasize remedial responses;
- (4) be conspicuously posted in the administrative offices of the school and school district in summary form;
- (5) be given to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the district or school;
- (6) be included in the student handbook on school policies; and
- (7) 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.

(c) Consistent with its applicable policies and practices, each district and school under this subdivision must discuss its policy with students, school personnel, and volunteers and provide appropriate training for all school personnel to prevent, identify, and respond to prohibited conduct. Districts and schools must

establish a training cycle, not to exceed a period of three school years, for school personnel under this paragraph. Newly employed school personnel 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 a particular need or circumstance.

(d) Each district and school under this subdivision must submit an electronic copy of its prohibited conduct policy to the commissioner.

Subd. 4. **Local policy components.** (a) Each district and school policy implemented under this section must, at a minimum:

(1) designate a staff member as the primary contact person in the school building to receive reports of prohibited conduct under clause (3), ensure the policy and its procedures including restorative practices, consequences, and sanctions are fairly and fully implemented, and serve as the primary contact on policy and procedural matters implicating both the district or school and the department;

(2) require school employees who witness prohibited conduct or possess reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct to make reasonable efforts to address and resolve the prohibited conduct;

(3) provide a procedure to begin to investigate reports of prohibited conduct within three school days of the report, and make the primary contact person responsible for the investigation and any resulting record and for keeping and regulating access to any record;

(4) indicate how a school will respond to an identified incident of prohibited conduct, including immediately intervening to protect the target of the prohibited conduct; at the school administrator's discretion and consistent with state and federal data practices law governing access to data, including section 13.02, subdivision 8, a presumption that a district or school official will notify the parent of the reported target of the prohibited conduct and the parent of the actor engaged in the prohibited conduct; providing other remedial responses to the prohibited conduct; and ensuring that remedial responses are tailored to the particular incident and nature of the conduct and the student's developmental age and behavioral history;

(5) prohibit reprisals or retaliation against any person who asserts, alleges, or reports prohibited conduct or provides information about such conduct and establish appropriate consequences for a person who engages in reprisal or retaliation;

(6) allow anonymous reporting but do not rely solely on an anonymous report to determine discipline;

(7) provide information about available community resources to the target, actor, and other affected individuals, as appropriate;

(8) where appropriate for a child with a disability to prevent or respond to prohibited conduct, allow the child's individualized education program or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct;

(9) use new employee training materials, the school publication on school rules, procedures, and standards of conduct, and the student handbook on school policies to publicize the policy;

(10) require ongoing professional development, consistent with section 122A.60, to build the skills of all school personnel who regularly interact with students, including but not limited to educators, administrators, school counselors, social workers, psychologists, other school mental health professionals, school

nurses, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals to identify, prevent, and appropriately address prohibited conduct;

(11) allow the alleged actor in an investigation of prohibited conduct to present a defense; and

(12) inform affected students and their parents of their rights under state and federal data practices laws to obtain access to data related to the incident and their right to contest the accuracy or completeness of the data.

(b) Professional development under a local policy includes, but is not limited to, information about:

(1) developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;

(2) the complex dynamics affecting an actor, target, and witnesses to prohibited conduct;

(3) research on prohibited conduct, including specific categories of students at risk for prohibited conduct in school;

(4) the incidence and nature of cyberbullying; and

(5) Internet safety and cyberbullying.

Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools are encouraged to provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; value diversity in school and society; develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students. Upon request, the school safety technical assistance center under section 127A.052 must assist a district or school in helping students understand social media and cyberbullying. Districts and schools 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.

(b) Districts and schools are encouraged to:

(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 prohibited conduct to the school's primary contact person;

(5) teach students to advocate for themselves and others;

(6) prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and

(7) foster student collaborations that foster a safe and supportive school climate.

Subd. 6. **State model policy.** (a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:

- (1) define prohibited conduct, consistent with this section;
- (2) apply the prohibited conduct policy components in this section;

(3) for a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and

(4) encourage violence prevention and character development education programs under section 120B.232, subdivision 1.

(b) The commissioner shall develop and post departmental procedures for:

- (1) periodically reviewing district and school programs and policies for compliance with this section;
- (2) investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and

(3) allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.

(c) The commissioner must post on the department's Web site information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.

Subd. 7. **Relation to existing law.** This section does not:

- (1) establish any private right of action;
- (2) limit rights currently available to an individual under other civil or criminal law, including, but not limited to, chapter 363A; or
- (3) interfere with a person's rights of religious expression and free speech and expression under the First Amendment of the United States Constitution.

**History:** 2014 c 160 s 1

## **TEACHER FACILITIES**

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It is the policy of the School Board that adequate facilities in each building be available for teachers contingent on availability of space in individual buildings. Such facilities to include the following:

1. Classroom space for the storage of instructional materials and supplies.
2. A teacher work area -- preferably separated from the faculty lounge -- equipped with supplies and equipment to be used in the preparation of instruction materials.
3. A teacher's lounge -- out of bounds to all students, except when authorized by the principal.
4. A serviceable desk and chair for each teacher.
5. Faculty rest rooms separate for each sex.
6. A dining area, separate from the students where possible.
7. Adequate chalk boards and bulletin boards in each classroom.
8. A telephone so located that a teacher can have privacy while talking to parents.
9. Sections of parking lots shall be reserved for teacher parking.

## **STAFF MEETINGS**

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1. It is the policy of the School Board that staff meetings be held frequently during the school year. A minimum of one staff meeting per month will be held in each building on a designated day.
2. The principal will be responsible for calling all meetings and will prepare and hand out an agenda at least two days prior to the meeting. Faculty Councils and Instructional Improvement Committees are encouraged to suggest items to be discussed at staff meetings.
3. When meetings are scheduled other than on the designated day, three days notice shall be given. Occasionally, emergency meetings must be held and the three day notice shall then be waived.
4. All staff meetings will be held either before the regular school day or immediately after the regular school day. Except in emergency situations, staff meetings should not last longer than one hour.
5. All certified personnel are expected to attend all staff meetings called by the principal except if excused by the principal.
6. All staff members who have been excused from attending are responsible for obtaining information on all items discussed at the meeting.
7. It is the policy of the School Board that all meetings of teacher professional organizations be cleared with the building principal for availability of appropriate facilities.