



Memorandum

October 7, 2011

TO: Mr. John Beckstrom
Ms. Annamarie Brennhofer
Mr. Bill Bresin
Mr. Jim Caldwell
Mr. Joe Grafft
Ms. Julie Greiman
Mr. Eric Jordahl
Dr. Ben Lewis
Ms. Kathy McMorrow
Ms. Karen Morehead
Mr. Neil Peterson
Ms. Deborah Wall

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 8:00 p.m. on Thursday, October 13, 2011, in the Board Room 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.

DF/kk

cc: Linda Madsen, Superintendent
Kathy Bystrom, School Board
Dan Kieger, School Board
Rob Rapheal, School Board
Erin Turner, School Board
Press (3)

Inspire the learner; ignite the potential!

Forest Lake Area Schools • Independent School District 831 • Equal Opportunity Employer

INDEPENDENT SCHOOL DISTRICT NO. 831
Forest Lake, Minnesota 55025

Policy Committee Meeting
October 13, 2011 – 8:00 p.m. – District Office Board Room

AGENDA

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| <ol style="list-style-type: none">1. Family & Medical Leave Policy 428 (Continued from September-Annual Review)2. Student Disability Nondiscrimination Policy 536 – per Donna – Copy Attached3. Student Sex Nondiscrimination Policy 421 (Annual Review) – Copy Attached4. Disorders During School Day or at Scheduled Activities Policy 506 – Consider Discontinuance5. Physical Examinations Policy 508 – Consider Discontinuance6. Checking Accounts Policy 310 – Consider Discontinuance |
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7. Wellness Policy 546 – Pending
 8. Transportation Employee Drug and Alcohol Policy 430 – Requested by Transp Supv – Pending
 9. Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds Policy 544
- Per Deb Wall – November 2011
 10. Consideration of Other Policies to be Scheduled for Review
 11. Other Matters
 12. Annual Policy Reviews
 - Technology Acceptable Use and Safety Policy 540 (November 2011)
 - Student Transportation Safety Policy 531 (November 2011)
 - Anti-Bullying Policy 541 (December 2011)
 - School Board Member Reimbursement Guidelines Policy 103A (December 2011)
 - Out-of-State Travel by School Board Members Policy 103B (December 2011)
 - Crisis Management Policy 538 (February 2012)
 - Discipline Policy 515 (April 2012)
 - Harassment and Violence Policy 425 (April 2012)
 - Wellness Policy 546 (May 2012)
 - Family & Medical Leave Policy 428 (September 2012)
 - Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (September 2012)
 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (September 2012)
 - Student Sex Nondiscrimination Policy 421 (October 2012)
 13. Future Policy Review
 - Naming of School Buildings or Portions Thereof Such as Naming a Gymnasium
 - Random Drug Testing
 14. Policies at School Board for Action
 - Mandated Reporting of Maltreatment of Vulnerable Adults Policy 414 (Annual Review)
 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse Policy 522 (Annual Review)

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Disabled students **who meet the criteria of Paragraph C below** are protected from discrimination on the basis of a disability.

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

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

1. ~~H~~has a physical or mental impairment that substantially limits one or more of **such person's** major life activities, ~~including learning~~; or
2. ~~H~~has a record of such impairment; or
3. ~~I~~is regarded as having such an impairment.

D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATORS

Persons who have questions, comments, or complaints should contact ~~the Educational Services Administrator~~ **Julianne Greiman for the elementary level at 651/982-3301 or 14351 Scandia Trail North, Scandia, MN 55073 or Kathryn Ungerecht for the secondary level at 651/982-8402 or 6101 Scandia Trail North, Forest Lake, MN 55025** regarding grievances or hearing requests regarding disability issues. ~~This person is~~ **These people are** the school district's ADA ~~Americans with Disabilities Act~~ / Section 504 Coordinators.

Legal References: Pub. L. 110-325, 122 Stat. 3553 (ADA Amendments Act of 2008, § 7)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. Part 104 (Implementing Regulations)

Cross References: Policy 536 (Student Disability Nondiscrimination)

Adopted: 6/7/99
1/5/04

**ADD MSBA REPORTING FORM
INDEPENDENT SCHOOL DISTRICT NO. 831**

STUDENT DISABILITY DISCRIMINATION GRIEVANCE REPORT FORM

General Statement of Policy Prohibiting Disability Discrimination

Independent School District No. 831 maintains a firm policy prohibiting all forms of discrimination on the basis of a disability. All persons are to be treated with respect and dignity. Discrimination on the basis of a disability will not be tolerated under any circumstances.

Complainant: _____
Home Address: _____
Work Address: _____
Home Phone: _____ Work Phone: _____

I have been discriminated against based on (choose one or more):
[my disability] / [a record of my disability] / [being regarded as having a disability]

because _____

Date of alleged incident(s): _____

Name of person you believe discriminated against you or another person:

If the alleged discrimination was toward another person, identify that person:

Describe the incident(s) as clearly as possible, including such things as: any verbal statements; what, if any, physical contact was involved; etc. (attach additional pages if necessary):

Location of the incident(s):

List any witnesses that were present:

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

(Complainant Signature) (Date)

Received by: _____
(Date)

I. PURPOSE

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

II. GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B. It is the responsibility of every school district employee to comply with this policy.
- C. The school board hereby designates the Director of Administration and Human Resources, 6100 North 210th Street, Forest Lake, Minnesota 55025, 651/982-8123, as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the Superintendent or the school district Human Rights Officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district Human Rights Officer or to the Superintendent.

- B. In Each School Building. The building Principal is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building Principal immediately.
- C. Upon receipt of a report or grievance, the Principal must notify the school district Human Rights Officer immediately, without screening or investigating the report. The Principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Principal to the Human Rights Officer. If the report was given verbally, the Principal shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein will result in disciplinary action against the Principal. If the complaint involves the building Principal, the complaint shall be made or filed directly with the Superintendent or the school district Human Rights Officer by the reporting party or complainant.
- D. The School Board hereby designates the Director of Administration and Human Resources (651/982-8123) and the Director of Special Education (651/982-8129), 6100 North 210th Street, Forest Lake, Minnesota 55025 as the school district Human Rights Officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the Superintendent.
- E. The school district shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of the school district, the Human Rights Officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the

school district.

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

V. SCHOOL DISTRICT ACTION

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

VI. REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student; or any person who

testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

VIII. DISSEMINATION OF POLICY AND EVALUATION

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

ADOPTED: 6/7/76
REVISED: 3/3/80
REVISED: 5/3/99
REVISED: 2/2/06
REVISED: 1/3/08
REVIEWED: 3/3/11

Legal References:

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

Cross References:

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

INDEPENDENT SCHOOL DISTRICT NO. 831
UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT

General Statement of Policy Prohibiting Unlawful Sex Discrimination Toward a Student:

Independent School District No. 831 maintains a firm policy prohibiting all forms of unlawful sex discrimination. **All students are to be treated with respect and dignity.** Unlawful sex discrimination by any teacher, administrator or other school personnel will not be tolerated under any circumstances.

Complainant: _____

Home address: _____

Work address: _____

Home phone: _____ Work phone: _____

Date of alleged incident(s): _____

Name of the person you believe unlawfully discriminated toward you or a student on the basis of sex:

If the alleged unlawful sex discrimination was toward another person, identify that person:

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

Where and when did the incident(s) occur: _____

List any witnesses that were present: _____

This complaint is filed based on my honest belief that _____ has unlawfully discriminated against me or a student on the basis of sex. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by: _____

(Date)

CONSIDER DISCONTINUANCE OF THIS POLICY

DISORDERS DURING SCHOOL DAY OR AT SCHEDULED ACTIVITIES 506

1. It shall be the policy of the School Board that change shall be effected through the orderly democratic processes. Disorders in or on school premises disruptive to the planned educational program are prohibited. Students involved in such disorders are subject to disciplinary action.

CONSIDER DISCONTINUANCE OF THIS POLICY

PHYSICAL EXAMINATIONS

508

1. No secondary school student will be permitted to participate in inter-scholastic athletic competition or practice before furnishing the school with a complete physical examination form signed by a qualified physician.
2. It is recommended that all students who participate in athletics have a physical examination.

REVISED: 11/12/73

CONSIDER DISCONTINUANCE

310

CHECKING ACCOUNTS

1. It shall be the Policy of Independent School District No. 831 to **consider the rotation** of the School District's checking accounts among interested Full Service Banking institutions within the School District every three years, commencing with the 1983-84 fiscal year.
2. The School Board reserves the right to fully assess the services provided by an institution in making its final decision.

Adopted: 10/4/82
Reviewed by the Policy Committee 5/8/97