

Agenda Independent School District 279 School Board	Regular Business Meeting Edinbrook Elementary School - Media Center 8925 Zane Ave. N. Brooklyn Park, MN 55443 Tuesday, October 10, 2023 4:30 PM
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Our mission is to inspire and prepare each and every scholar with the confidence, courage and competence to achieve their dreams; contribute to community; and engage in a lifetime of learning.

This regular meeting of the Osseo School Board is being conducted in person. The meeting can be monitored electronically by streaming online at district279.org/info-center/school-board (Watch Livestream). An archived recording will also be available on the district website.

Agenda Items

1. Check in
Amy Moore, General Counsel
2. Review of Board Policies Affected by the 2023 Legislative Session
 - A. Series 100-School Board
 - I. Policy/Procedure 102-Equal Opportunity and Prohibition Against Discrimination, Harassment and Violence 3
 - B. Series 400-Personnel
 - I. Procedure 406-Public and Private Personnel Data 13
 - II. Policy/Procedure 418-Drug-free Workplace 17
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 - IV. Policy 435-Qualification of Personnel 24
 - C. Series 500-Students
 - I. Policy/Procedure 506-Student Discipline 25
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 - III. Policy/Procedure 514-Students - Bullying and Hazing Prohibition 42
 - IV. Policy 515-Protection and Privacy of Education Records and Data 48
 - V. Procedure 532-Use of Peace Officers and Crisis Teams to Remove Students from School Grounds 50
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 - VII. Policy/Procedure 543-Use of Restrictive Procedures as Behavioral Interventions 58
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 - D. Series 900-School/Community Relations
 - I. Policy 921-Non-use of Tobacco on School Property 1

II. Policy 922-Non-use of Chemicals on School Premises

3. Next Meeting: December 5, 2023
4. 5:30 p.m. Adjournment

To accommodate individuals with disabilities, this material will be made available in alternative formats upon request. Individuals with disabilities are invited to request reasonable accommodations to participate in or attend a district activity, call your local school or the school district at least seventy-two (72) hours in advance (two-week notice preferred). Members of the public can view and download School Board meeting notices and regular meeting agendas and materials from the district website www.district279.org, under "Info Center > School Board."

POLICY 102 – EQUAL OPPORTUNITY AND PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND VIOLENCE

I. PURPOSE

The purpose of this policy is to establish and maintain a learning and working environment that affords for equal educational and employment opportunities and that is free from harassment, violence or discrimination based on actual or perceived race, color, creed, religion, national origin, sex/gender, marital status, disability, status with regard to public assistance, sexual orientation, gender identity and expression, age, family care leave status or veteran status.

II. GENERAL STATEMENT OF POLICY

A. Equal Opportunity: The policy of the school district is to provide equal educational opportunity for all students seeking to enroll or enrolled in the school district programs/schools and to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of a person's protected status which includes the following: race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status. The school district also makes reasonable accommodations for disabled persons.

B. Prohibition Against Discrimination or Harassment: It will be a violation of this policy for any student or school district employee to engage in any of the following conduct:

1. Harass another student or school district employee on the basis of a person's actual or perceived protected legal status;
2. Inflict, threaten to inflict or attempt to inflict violence against another student or school district employee on the basis of a person's protected legal status;
3. Discriminate against a student or school district employee based on that student's or employee's actual or perceived protected class status.

C. It will be a violation of this policy for any student, district employee or independent contractor to engage in malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A against any student, district employee or independent contractor.

- a. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

~~D.~~ D. This policy applies to all of the academic and nonacademic (e.g. athletic, extracurricular, community education) programs of the school district and will be enforced before, during, or after school hours on all school district property, including the school bus, school functions, or events held at other locations. To the extent consistent with state and federal law, this policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students or employees to be free from a hostile school environment taking into consideration the totality of the circumstances on and off campus.

~~D.~~ D. ~~E.~~ E. The school district will investigate all complaints of harassment, violence or discrimination whether formal or informal, verbal or written based on a student's or district employee's actual or perceived protected class status.

~~E.~~ E. ~~F.~~ F. The school district's investigation procedures will incorporate appropriate due process standards and include, at a minimum, the following:

1. notice to students, employees, and others of the process for filing a complaint under this policy, including who to contact (title and method of communication) and how to initiate a complaint;
2. a requirement that all complaints will be promptly, thoroughly, and impartially investigated and decided within reasonable, designated time frames at each stage of the complaint process;

3. to the extent consistent with state and federal laws, provisions for maintaining the confidentiality of the person who files a complaint;
4. written notice to the complainant of the disposition of the complaint at each stage of the process;
5. a fair and equitable appeal process;
6. a notice that retaliation against a person who files a complaint of discrimination, harassment or violence under this policy, or people who participate in related proceedings, is prohibited;
7. an assurance that if discrimination, harassment or violence has occurred in violation of this policy, appropriate corrective and remedial actions will be taken; and
8. a provision that notifies individuals that they may file complaints with other appropriate state and federal agencies.

F.G. This policy and applicable procedures only apply to allegations of discrimination, harassment and violence based upon a person's protected legal status which include actual or perceived race, color, creed, religion, national origin, sex/gender, marital status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status.

III. VIOLATION OF POLICY

The school district will discipline or take appropriate action against any student or school district employee who is found to have violated this policy. Appropriate administrative and staff follow-up will be provided for targets and offenders of harassment, violence and discrimination.

IV. TRAINING AND EDUCATION

The school district will implement discrimination/harassment/violence prevention and character development education programs to prevent and reduce policy violations.

This policy must be conspicuously posted throughout each school building, distributed to each employee and independent contractor at the time of hiring or contracting, and a process for communicating this policy with students, employees and independent contractors.

Revised:

Revised: 11/16/2021

Revised: 4/17/2018

Revised: 1/24/12

Revised: 10/16/01

Policy 413 Adopted: 2/2/99 (formerly Policy 4153 & 4253)

Revised: 2/1/94

Revised: 4/3/90

Adopted: 8/20/85

Cross Reference:

Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Policy 506 – Student Discipline

Legal Reference:

M.S. 121A.0312

M.S. 121A.03, subd. 2

M.S. 363A

M.S. 609.341-609.345

M.S. 609.321-609.324

M.S. 617.246

M.S. 626.556

PROCEDURE 102A - PROHIBITION AGAINST PROTECTED STATUS DISCRIMINATION, HARASSMENT AND VIOLENCE

I. SCOPE AND PURPOSE

This procedure addresses all forms of discrimination, harassment and violence based upon a person's protected status except for reports of sexual harassment and violence. Claims of sexual harassment and violence will be processed, investigated, and addressed in compliance with Title IX of Education Amendments Act of 1972 and Procedure 413 B – Prohibition Against Sexual Harassment and Violence under Title IX of Education Amendments Act of 1972.

II. DEFINITIONS

- A. **District employee:** For purposes of the policy/procedures, district employee includes school board members, school district employees, agents, volunteers, contractors/vendors, or persons subject to the supervision and control of the district.
- B. **Discriminate:** The term "discriminate" means to treat a person in a disparate manner because of that person's race, color, creed, religion, national origin, sex/gender, age, marital status, familial status, disability, status with regard to public assistance, sexual orientation (including gender identity or expression), age, family care leave status or veteran/military status.
- C. **Harassment:** Harassment is unwelcome conduct that is based on race, color, creed, religion, national origin, sex/gender, age, marital status, familial status, disability, status with regard to public assistance, sexual orientation (including gender identity or expression), age, family care leave status or veteran/military status. A single incident of harassment may implicate more than one protected class. For example, a student may be targeted because of his race and sexual orientation.
 - 1. Harassing conduct may take many forms, including but not limited to verbal acts and name-calling, as well as nonverbal behavior that is physically threatening, harmful, or humiliating. Harassment includes the use of derogatory language, intimidation, and threats; unwanted physical contact or physical violence; and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, electronic postings and/or phone or text messages related to a person's membership in a protected class. Harassment includes behavior that may not be directed at a particular person, but may instead consist of harassing conduct (e.g. physical, verbal, graphic, or written) that creates a hostile environment for students or employees.
 - 2. Conduct is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive. Submission or failure to complain does not mean that the conduct was welcome; the circumstances must be examined.
 - 3. With respect to students, respect to students, a "hostile environment" exists when harassment is sufficiently severe, persistent, or pervasive to interfere with or limit one or more students' abilities to participate in or benefit from the education program.
 - 4. With respect to district employees, a "hostile environment" exists when harassment is sufficiently severe or pervasive so as to alter the conditions of the target's employment and create an abusive working environment.
 - 5. "Gender-based harassment" means non-sexual harassment of a person because of the person's sex, including harassment based on gender identity and expression. Gender-based harassment includes, but is not limited to, harassment based on the person's nonconformity with gender stereotypes, regardless of the actual or perceived sex, gender identity or sexual orientation of the harasser or target of the harassment.
 - 6. "Gender stereotypes" refers to stereotypical notions of masculinity and femininity.
- D. **Sexual Orientation-based Harassment:**
 - 1. "Sexual orientation-based harassment" means non-sexual harassment of a person because of the person's actual or perceived sexual orientation or association with or advocacy for a person or group (e.g., family members or friends) who are lesbian, gay, bisexual or transgender ("LGBT").
 - 2. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that

person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

- E. Racial, Color, Creed or National Origin Harassment:
 - 1. Racial, color, creed or national origin harassment consists of physical or verbal conduct based on an individual's perceived or actual race, color, creed or national origin.
 - 2. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
- F. Religious Harassment: Religious harassment consists of physical or verbal conduct based on an individual's perceived or actual religious beliefs.
- G. Disability Harassment:
 - 1. Disability harassment consists of physical or verbal conduct based on an individual's perceived or actual disability.
 - 2. A person with a disability is any person who:
 - a. has a physical or mental impairment which substantially limits one or more major life activities;
 - b. has a record of such an impairment; oris regarded as having such impairment. This includes students who are protected by Title II of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act.
 - 3. Disability harassment also may deny a student with a disability a free and appropriate public education (FAPE). Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of FAPE.
- H. Other Protected Class Harassment: Harassment of other protected classes (under state or federal law) of physical or verbal conduct based on an individual's perceived or actual protected class status.
- I. Racial, Color, Creed or National Origin Violence: Racial violence is a physical act of aggression or force, an assault, or the threat thereof, that is directed toward a student or employee based on their perceived or actual race, color, creed, or national origin.
- J. Religious Violence: Religious violence is a physical act of aggression or force, an assault, or the threat thereof, that is directed toward a student or employee based on their perceived or actual religion.
- K. Disability Violence: Disability violence is a physical act of aggression or force, an assault, or the threat thereof, that is directed toward a student or employee based on a perceived or actual disability.
- L. Other Protected Class Violence: Other Protected Class violence is a physical act of aggression or assault on another based on their actual or perceived protected class status.
- M. Malicious and sadistic conduct: is conduct that creates a hostile learning environment by acting with intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- M-N. Assault is:
 - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
 - 2. the intentional infliction of or attempt to inflict bodily harm on another; or
 - 3. the threat to do bodily harm to another with present ability to carry out the threat.

III. NOTICE AND PUBLICATION OF REPORTING PROCEDURES

The school district will post complaint procedures regarding protected status discrimination, harassment and violence reports in its buildings, on its website and in employee and student handbooks. It will be distributed to each employee and independent contractor at the time of hiring or contracting, and a process for communicating this policy with students, employees and independent contractors

IV. REPORTING PROCEDURES FOR INCIDENTS OF HARASSMENT, VIOLENCE AND/OR DISCRIMINATION AGAINST DISTRICT EMPLOYEES

A. Reporting Complaints

- 1. Any school district employee who believes he or she has experienced harassment, violence or discrimination on the basis of his or her actual or perceived race, color, creed, religion, national origin, sex/gender, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age, family care leave

- status or veteran status, or any person with knowledge of or belief of conduct which may constitute harassment, violence, or discrimination, should report this information immediately, or as soon as possible, to an appropriate district official designated by these procedures.
2. Although the school district encourages the alleged target or other reporting party to use a district formal reporting form, use of the formal reporting form is not required. Oral reports shall be considered complaints as well. The form will be available from the principal of each building, the district office, and on the district's website. Upon request for qualified persons with a disability, alternative means of filing a complaint, such as through a personal interview or by tape recording, will be made available.
 3. The district designates the Executive Director of Human Resources as the school district human rights officer to receive employee reports or complaints of harassment, violence and discrimination at:

Mailing address:
11200 93rd Avenue North
Maple Grove, MN 55369

If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent at:

Mailing address:
11200 93rd Avenue North
Maple Grove, MN 55369

If the complaint involves the Superintendent, the complaint shall be filed directly with the School Board:

Mailing address:
11200 93rd Avenue North
Maple Grove, MN 55369

If the complaint involves a School Board Member, the complaint shall be filed directly with the School Board Chair:

Mailing address:
11200 93rd Avenue North
Maple Grove, MN 55369

If the complaint involves the School Board Chair, the complaint shall be filed directly with the School Board Vice Chair:

Mailing address:
11200 93rd Avenue North
Maple Grove, MN 55369

4. In each school building the school principal is the person responsible for receiving oral or written reports of alleged harassment, violence or discrimination at the school level. Supervisors of itinerant staff or other employees not supervised by a building principal will also be responsible for receiving oral or written reports of alleged harassment, violence or discrimination. Any school district employee who receives a report shall inform their supervisor or their building principal immediately. If the supervisor or principal is not available on the date of the report, then the employee must forward the oral or written report/complaint directly to the human rights officer. If the complaint involves the supervisor or principal, the employee will provide his or her report directly to the school district human rights officer. Upon receipt of a report, the supervisor or principal must notify the school district human rights officer immediately, without screening or investigating the credibility of the report. The supervisor or principal may request, but

may not insist on, a formal written complaint. If the report is verbal, the supervisor or principal shall prepare and provide to the human rights officer a written statement of the facts alleged within 24 hours of receiving the report. Failure to forward a complaint under these procedures may result in disciplinary action against the responsible party.

5. Nothing in these procedures shall prevent a school district employee from reporting alleged harassment, violence, or discrimination directly to the school district human rights officer or to the superintendent.
 6. The complaint (verbal or written) should be reported immediately, or as soon after the incident as possible; delays between the date of the alleged incident and the reporting date may make investigations more difficult.
 7. The willful filing of a false report will be considered to be a violation of school district policy and may result in disciplinary action.
 8. Although confidentiality cannot be assured, the school district will respect the privacy of the alleged target, the reporter (if someone other than the alleged target), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, to take appropriate action, and to conform with any discovery or disclosure obligations.
- B. Investigation – District Employees
1. The human rights officer, upon receipt of a report or complaint, will promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a neutral third party designated by the school district.
 2. The investigation will be completed within thirty (30) calendar days from receipt of the complaint, unless impracticable.
 3. The investigation may, as appropriate, consist of personal interviews with the alleged target, the reporter (if someone other than the alleged target), 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 (e.g. review of documents and electronic media) deemed pertinent by the investigator.
 4. In determining whether alleged conduct constitutes a violation of the policy/procedures the school district will consider the facts and 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 the policy/procedures requires a determination based on all the facts and surrounding circumstances.
 5. The school district, at its discretion, may take immediate steps, based on the severity of the allegations, to protect the parties involved in the complaint process pending completion of an investigation.
- C. School District Action – District Employees
1. Upon completion of the investigation, the school district or neutral third party designated investigator will make a written report to the human rights officer. If the complaint involves the human rights officer, the report must be filed directly with the superintendent. If the complaint involves the superintendent, the report must be filed directly with the school board. The report will include the facts, a determination of whether the allegations have been substantiated/not substantiated or are inconclusive and whether a violation of the policy/procedure has occurred.
 2. Upon completion of the investigation, the human rights officer will inform the alleged target of his or her right to review the written report at the school building where the target is employed or enrolled, in accordance with state and federal law regarding data or records privacy.
 3. In the event a complaint is substantiated, the school district will take appropriate and effective action depending on the circumstances. Such action may include, but is not limited to, training, counseling, warning, suspension, transfer, remediation, or termination. School district action taken for violation of these procedures and related policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

V. REPORTING PROCEDURES FOR INCIDENTS OF HARASSMENT, DISCRIMINATION AND VIOLENCE AGAINST STUDENTS.

A. Reporting a Complaint

1. Any student who believes she/he has experienced harassment, violence or discrimination on the basis of his or her actual or perceived race, color, creed, religion, national origin, sex/gender, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status should report the alleged acts immediately, or as soon as possible to their building principal or a staff member in their school.
2. Any District employee who observes an act or receives a report of alleged harassment, violence or discrimination toward a student shall intervene to attempt to stop the act and shall report it to the building principal or principal's designee in their school immediately, or as soon as possible.
3. The complaint (verbal or written) should be reported immediately, or as soon after the incident as possible; delays between the date of the alleged incident and the reporting date may make investigations more difficult.
4. The district designates the building principal or their designee to monitor and receive student reports or complaints of alleged harassment, violence and discrimination against students.
5. If the complaint involves a principal, the complaint should be filed directly with the Assistant Superintendent that supervises the Principal. If a complaint involves the Assistant Superintendent, the complaint shall be filed directly with the Superintendent. If the complaint involves the Superintendent, the complaint shall be filed directly with the School Board.
6. If the complaint involves a School Board member, the complaint shall be filed directly with the School Board Chair. If the complaint involves the school board chair, the complaint shall be filed directly with the School Board Vice Chair.
7. Although the school district encourages the reporting student to use the report form set forth in this, use of formal reporting forms is not required. Oral reports shall be considered complaints as well. The form will available in the counseling and administrative office of each school, the district office, and on the district's website.
8. Alternative, accessible means of filing a complaint, such as through a personal interview or by tape recording, will be made available for individuals with disabilities.

B. Investigation – Students

1. Upon receipt of a report or complaint, the district shall promptly undertake or authorize an investigation. The investigation will be completed within thirty (30) days from receipt of the complaint, unless impracticable.
2. The investigation may, as appropriate, consist of personal interviews with the alleged target, the reporter (if someone other than the alleged target), 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.
3. In determining whether alleged conduct constitutes a violation of the policy/procedures, the school district will consider the age and level of understanding of the student(s) involved, the facts and 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 these procedures and the Policy 413 requires a determination based on all the facts and surrounding circumstances.
4. The school district and building administration may, at its discretion, take immediate steps, based on the severity of the allegations, to protect the parties involved in the complaint process pending completion of an investigation.
5. The intentional filing of a false report will be considered to be a violation of the student discipline policy and may result in disciplinary action.

C. School District Action – Students

1. The investigator shall document his or her findings within five school days of concluding the investigation.
2. Upon conclusion of the investigation and receipt of the findings, and if harassment is found to have occurred, the school district will take appropriate and effective action with respect

to the target and the offender, and document the action taken. If the investigator determined that a violation of the policy/procedures has occurred, such appropriate action may include, but is not limited to, an education component, alternative dispute resolution, training, counseling, warning, class transfer, suspension, expulsion, or transfer. If both the target and the alleged offender agree to attempt to mediate the complaint using the school's formal mediation process, this will be encouraged.

D. Timelines and Notification to Parents / Guardians

1. The parent(s)/guardian(s) of the target and the alleged offenders of harassment, violence or discrimination should be notified of the report before the close of the current school day, but not later than two school days of the report being filed, unless otherwise directed by law enforcement or required by law, or if in the professional judgment of the District notification is not warranted. The parents/guardians of both the target and the alleged offender(s) shall be notified if there is a physical assault, unless otherwise directed by law enforcement or required by law.
2. Following the investigation, the person handling the complaint or a representative of the District will communicate with the target regarding the outcome of the investigation.
 - a. This communication will include the parent(s)/guardian(s) of the student at the parent's/guardian's request if the student is under age 18, or at the student's request if over 18.
 - b. If the investigation has not been completed within ten school days, a verbal summary of the progress of the investigation will be given to the target at that time.
 - c. The privacy and data privacy rights of all persons involved must be respected in accordance with current state and federal laws.

E. Persons Responsible for Investigation and Reporting Procedures

1. When a report is made or referred to the building principal, that person or their designee is responsible for carrying out and documenting this reporting procedure.
2. When a report is made or referred to the Assistant Superintendent, that person or their designee, is responsible for carrying out and documenting this reporting procedure.
3. When a report is made to the Superintendent, that person or their designee is responsible for carrying out and documenting this reporting procedure.
4. Incidents that include violence as defined in this procedure should also be referred to the police liaison officer serving the building for a possible separate criminal investigation.
5. When the report involves alleged harassment, violence or discrimination by a district employee or employee of an agency contracted by the District against a student, the investigation will be performed by the District Human Rights Officer.

F. Harassment or Violence Abuse

1. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes section 626.556 may be applicable.
2. Nothing in these procedures will prevent or prohibit the district from taking immediate action to protect victims of alleged harassment, violence or abuse.

VI. NO REPRISAL

There will be no retaliation against any target or reporter of the alleged harassment, violence or discrimination under the policy/procedures, nor against any person who participates in an investigation. The school district will take appropriate action against any student, teacher, administrator or other district employee who retaliates against any person who makes a good faith report, who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to the report. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. APPEAL

If the report or grievance has not been resolved to the satisfaction of the alleged target of harassment, violence or discrimination, they may appeal.

- A. Appeals of Alleged Prohibited Acts by Employee: If the alleged target of harassment, violence or discrimination believes that they are aggrieved by the actions taken by the school district in Section III.C. of these procedures, they may appeal to the district's general counsel.
- B. Appeals of Alleged Prohibited Acts by Student: If the alleged target of harassment, violence or discrimination believes that they are aggrieved by the actions by the school district in Section IV.C. of these procedures, they may appeal to the Assistant Superintendent that supervises their school, site or program.

Appeals must be made in writing within ten (10) business days of receipt of written findings under Sections III. C. or IV.C. The person designated to hear the appeal will conduct a review and issue a decision within ten (10) business days of receiving notice of the appeal. The decision issued under this section is final.

VII. CONFLICT OF INTEREST

If there is a conflict of interest with respect to any party affected by the policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a neutral third-party investigator to conduct the investigation, or recusing from the process the person for whom a conflict or potential conflict of interest exists.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the agencies identified below, or initiating an action in state or federal court.

Minnesota Department of Human Rights
 Freeman Building
 625 Robert Street North
 St. Paul, MN 55155
 Toll free: 800.657.3704
 TTY: 651.296.1283
 Fax: 651.296.9042
 www.humanrights.state.mn.us

U.S. Department of Education Office for
 Civil Rights, Region V500
 W. Madison Street-Suite 1475
 Chicago, IL 60661
 Tel: 312.730.1560 TDD: 312.730.1609

IX. DISSEMINATION OF THE POLICY

- A. Each school will ensure that the policy and procedures are discussed at the start of each school year with all staff and with each student in a manner appropriate to his/her age and level of understanding and the principal or a designee will document the date it was discussed in each classroom.
- B. These procedures, including possible consequences for a violation, will be in the employee handbook and student handbook of every school.

Revised:

- Revised: 11/16/21
- Revised: 4/17/18 (Procedures 413 & 548 combined)
- Revised: 9/27/16
- Revised: 9/10/13
- Revised: 1/25/12
- Revised: 5/17/10
- Revised: 10/16/01
- Revised: 2/2/99 (formerly Procedure 4153 & 4253)
- Revised: 2/1/94
- Revised: 4/3/90
- Adopted: 8/20/85

Cross References:

- Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse
- Policy 506 – Student Discipline
- Policy 548 – Harassment and Violence

Legal References:

[M.S. 121A.0312](#)

M.S. 121A.03, Subd. 2

M.S. 363A

M.S. 609.341-609.345

M.S. 609.321-609.324

M.S. 617.246

M.S. 626.556

PROCEDURE 406 – PUBLIC AND PRIVATE PERSONNEL DATA

- I. The following definitions apply to Policy and Procedures 406.
 - A. "Public" means that data are available to anyone who requests it.
 - B. "Private" means the data are available to the subject of the data and to school district staff who need it to conduct the business of the school district.
 - C. "Confidential" means the data are not available to the data subject.
 - D. "Personnel data" means data on individuals maintained because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a government entity.
 - E. "Finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.
 - F. "Protected health information" means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. "Protected health information" excludes health information in education records covered by FERPA and employment records held by a school district in its role as employer.
 - G. "Public official" means business manager; human resources director; activities coordinator whose duties include at least 50% of his or her time spent in administration, personnel, supervision, and evaluations; chief financial officer; director; and any individual defined as superintendent, principal, or director who is employed in a position requiring an administrative license.
 - H. "Data Practices Compliance Official" means the school district's Executive Director of Human Resources.
- II. Access to Personnel Data for Employees
 - A. All requests for access to personnel data should be made to the Data Practices Compliance Official. The Data Practices Compliance Official may require a written request for information.
 - B. The Data Practices Compliance Official will release public personnel data within a reasonable time of the request.
 - C. The Data Practices Compliance Official will release private personnel data within ten working days of the written request for information.
- III. Access to Personnel Data
 - A. The following information on employees, including volunteer and independent contractors working for the school district is public.
 1. Personal Information
 - a. Name
 - b. Employee identification number
 - c. Education and training background
 - d. Previous work experience
 2. Compensation-related information
 - a. Actual gross salary or contract fees
 - b. Salary range
 - c. Actual gross pension
 - d. Value and nature of employer paid fringe benefits including group insurance
 - e. The basis for an the amount of any added remuneration, including expense reimbursement, in addition to salary
 - f. Payroll time sheets or other comparable data that are only used to account for the employees work time for payroll purposes, except to the extent that release of time sheets would reveal the employees reasons for use of sick or other medical or other non-public data.
 3. Work and performance information
 - a. Job title and bargaining unit
 - b. Job description

- c. Date of first and last employment
 - d. Work location
 - e. Work telephone number
 - f. Work email addresses
 - g. Honors and awards received
 - h. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in disciplinary action
 - i. The final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district
 - j. The terms of any agreement settling any dispute arising out of the employment relationship
 - k. Work related continuing education
 - l. Terms and conditions of the employment relationship
 - m. Data relating to a complaint or charge against a public official if:
 - (i) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
 - (ii) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement with another person. Data that is classified as private under another law is not made public by this provision.
4. Applicants for employment
- a. The names of applicants who have been selected to be interviewed by the school board for an opening
 - b. Veteran status
 - c. Relevant test scores
 - d. Rank on eligible list
 - e. Job history
 - f. Education and training
 - g. Work availability
- B. Data relating to a complaint or charge against a public official if:
- 1. the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
 - 2. potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that are classified as private under another law are not made public by this provision.

IV. Access to Private Personnel Data

- A. All personnel data not listed in section III above are private and will only be shared with school district staff whose work requires such access. Private data on an employee may also be released in accordance with the employee's informed written consent or if otherwise authorized by law. Legally authorized release of private personnel data includes with following.
- B. The school district may:
- 1. Display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.
 - 2. Release personnel data if necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee.
 - 3. Release data that are relevant to the concerns for safety to
 - a. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - b. A pre-petition screening team conducting an investigation of the employee or part of a civil commitment process; or
 - c. A court, law enforcement agency or prosecuting authority.

4. Release private data or confidential investigative data on employees to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such crime or alleged crime.
 5. Provide to a complainant access to that complainant's statement given in connection with a complaint or charge against an employee.
 6. When allegations of sexual or other types of harassment are made against an employee, the employee will not have access to data that would identify the complainant or other witnesses if the school district determines that the employee's access to that would:
 - a. Threaten the personal safety of the complainant or witness; or
 - b. Subject the complainant or witness to harassment
 - c. Unless a disciplinary proceeding is initiated against the employee and data on the complainant or witness is necessary for the employee to prepare for the proceeding.
 7. Make any report to the Board of Teaching or the Board of School Administrators as required by Minnesota laws and will upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files including any termination or disciplinary action.
 8. Provide private personnel data to the Department of Economic Security for the purpose of administration of the unemployment insurance program.
 9. At the request of the Minnesota Department of Education, for the purposes of an assessment or investigation of a maltreatment report, provide to the Minnesota Department of Education relevant private data about an employee alleged to have committed maltreatment.
 10. Comply with all privacy requirements to the extent the school district transmits protected health information.
- C. Personnel data ~~may~~must be disseminated to labor organizations to the ~~extent the school district determines it is necessary for the labor organization~~ to conduct its ~~business~~elections, investigate and process grievances and implement the provisions of Minnesota Statutes chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and the Bureau of Mediation Services to the extent the dissemination is ordered or ~~when~~ authorized by the Commissioner of the Minnesota Bureau of Mediation Services.

The home addresses, nonemployer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and nonmembers are private data on individuals.

Dissemination of personnel data to a labor organization pursuant to Minnesota Statutes, section 13.43, subdivision 6, shall not subject the school district to liability under Minnesota Statutes, section 13.08.

Personnel data described under Minnesota Statutes, section 179A.07, subdivision 8, must be disseminated to an exclusive representative under the terms of that subdivision.

V. Multiple Classifications

If data on individuals are classified as both private and confidential by the Minnesota Government Data Practices Act, or any other state or federal law, the data are private.

VI. Change of Classifications

The classification of data in the possession of the school district will change if it is required to do so to comply with the judicial and administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VII. Cost for Copies

Access to data is free. The school district may charge for copies of data.

VIII. Employee Authorization to Release Form

An employee authorization form is included in these regulations.

Revised:

Revised: 01/17/17

Revised: 09/23/14

Revised: 09/10/13

Adopted: 11/03/04

Amended: 11/1/11

Cross References:

Policy 515 – Protection and Privacy of Education Records

Legal References:

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

Minn. Stat. § 13.02 (definitions)

Minn. Stat. § 13.37 (general nonpublic data)

Minn. Stat. § 13.39 (Civil Investigative Data)

Minn. Stat. § 13.43 (Personnel Data)

Minn. Stat. § 122A.20, subd. 2 (Mandatory Reporting)

Minn. Stat. § 253B.07n subd. 1

45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

POLICY 418 – DRUG-FREE WORKPLACE

I. PURPOSE

The purpose of this policy is to maintain a safe and healthy environment for employees by prohibiting employee use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products and controlled substances at any school district location.

II. GENERAL STATEMENT OF POLICY

A. In compliance with the Drug-Free Workplace Act of 1988, the school district will maintain a drug-free workplace. The school district prohibits use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products or controlled substances while on a school location. Paraphernalia associated with controlled substances is also prohibited.

B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances in any school location.

C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, and 13, including all facilities, whether owned, rented, or leased, and all vehicles that the school district owns, leases, rents, contracts for, or controls.

B-D. The school district will act to enforce this policy and to discipline or take other appropriate action against any school employee who violates this policy.

III. DRUG FREE AWARENESS AND PREVENTION PROGRAM

A. The superintendent or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:

1. The dangers and health risks of chemical abuse in the workplace/school.
2. The school district's drug-free workplace/drug-free school policy.
3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.

The penalties that may be imposed on employees for drug abuse violations.

The superintendent or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction will report the same to the superintendent.

IV. EXCEPTIONS

A. A violation of this policy does not occur when a person brings onto a school location, for such person's own use, a controlled substance (except medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products) which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.

B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

C. Employees who have a prescription for medical treatment with a controlled substance (except medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products) are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor of his or her required use. The employee may be required to provide a copy of the prescription.

~~C.D.~~ A violation does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minnesota Statutes section 624.701, subdivision 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. ENFORCEMENT

A. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any school location.

B. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board. If an employee violates this policy by lawfully using medical cannabis prescribed by their physician, the school district will consider alternatives to disciplinary consequence which take into account the identified medical needs of the employee and the school district's health and safety concerns.

C. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program may be subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.

VI. NOTICE

Each employee shall be provided with written notice of this Drug-Free Workplace/Drug Free School policy and shall be required to acknowledge that he or she has received the policy.

A. Employees are subject to the school district's drug and alcohol testing policies and procedures.

B. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.

Revised:

Revised: 01/16/2018

Revised: 12/16/2013

Adopted: 2/2/99 (formerly Policy 4154 & 4254)
Adopted: 9/18/98

Legal References:

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
[Minn. Stat. § 342.09 \(Personal Adult Use of Cannabis\)](#)
[Minn. Stat. § 342.56 \(Limitations\)](#)
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)
[Minn. Stat. § 152.01, Subd. 15a \(Definitions\)](#)
[Minn. Stat. § 152.0264 \(Cannabis Sale Crimes\)](#)
[Minn. Stat. § 152.22, Subd. 6 \(Definitions; Medical Cannabis\)](#)
[Minn. Stat. § 152.23 \(Limitations; Medical Cannabis\)](#)
[Minn. Stat. § 169A.31 \(Alcohol-Related School Bus or Head Start Bus Driving\)](#)
20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

PROCEDURE 418 – DRUG-FREE WORKPLACE

I. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- ~~B.~~ "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues drugs.
- ~~C.~~ "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- ~~B-D.~~ "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.
- ~~C-E.~~ "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- ~~D-F.~~ "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means, whether or not for the purposes of receiving remuneration or consideration.
- ~~E-G.~~ "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- ~~H.~~ "School location" includes any school building or on any school premises; in any school-owned vehicle, or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- ~~F-I.~~ "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.

II. VIOLATION

Employees will notify their Supervisor in writing within five days of being convicted of a criminal drug statute violation occurring on a school location. An employee who violates this policy may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the school district. If the employee fails to participate satisfactorily in such program, the employee may be non-renewed or employment may be suspended or terminated. Disciplinary action against employees in violation of this policy will be in accordance with Policy 403, Discipline, Suspension and Dismissal of School District Employees and any applicable collective bargaining agreements.

III. NOTICE OF POLICY

The school district will provide each newly hired employee and each employee assigned to work on any federal grant with written notice of Policy 418 Drug-Free Workplace and will be required to sign an acknowledgement of receipt of Policy 418 (see Appendix A to Procedure 418).

Revised:

Revised: 01/16/18

Revised: 2/2/99 (formerly Policy 4154 & 4254)

Created: 9/18/98

Legal References:

Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)

Minn. Stat. § 152.01, Subd. 15a (Definitions)

Minn. Stat. § 152.0264 (Cannabis Sale Crimes)

Minn. Stat. § 152.22, Subd. 6 (Definitions; Medical Cannabis)

Minn. Stat. § 152.23 (Limitations; Medical Cannabis)

Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)

Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)

Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)

Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)

Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)

Minn. Stat. § 342.56 (Limitations)

Minn. Stat. § 609.684 (Abuse of Toxic Substances)

Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)

20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)

21 U.S.C. § 812 (Schedules of Controlled Substances)

41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)

21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)

34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, Drug-Free Workplace

Act of 1988

P.L. 101-226

PROCEDURE 419 – TOBACCO-FREE ENVIRONMENT

I. Definitions

A. "Electronic ~~cigarette~~delivery device" means ~~any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration. any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.~~

B. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff powder; Cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

C. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

D. "Smoking" means inhaling, ~~or~~ exhaling, -burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

F. "Vaping" means using an activated electronic delivery device or heated tobacco product.

II. Enforcement

A. All individuals on school premises shall adhere to this policy.

B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.

C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.

D. A violation of this policy does not occur when an Indian adult lights tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. An Indian adult is a person who is a member of an Indian tribe as defined under Minnesota law.

E. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act or the Freedom to Breathe Act of 2007 punishable as a petty misdemeanor.

~~FE.~~ No persons shall be discharged, refused employment, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

Created/Revised

Revised:

Revised: 6/18/2013

Created 2/2/99 (formerly Procedure 4152 & 4252)

Revised: 7/11//89

Created: 6/7/88

POLICY 435 – QUALIFICATION OF PERSONNEL

I. All candidates for positions on the staff must have or be eligible for valid licenses or other qualification documents entitling them to serve in the assignments for which they apply, if such licenses or qualifications are a requirement of the position. All current staff must maintain valid licenses or other qualification documents entitling them to serve in positions to which they are assigned, if such licenses or qualifications are a requirement of the position.

~~II. H.~~ It is the sole responsibility of the employee to maintain valid licenses or other qualifications that are a requirement of the position during employment with the District.

~~H.III.~~ The District must annually report to the Professional Educator Licensing and Standards Board: (1) all new teacher hires and terminations, including layoffs, by race and ethnicity; and (2) the reasons for all teacher resignations and requested leaves of absence. The report must not include data that would personally identify individuals.

Revised:

Revised: 4/20/04

Revised: 5/20/03

Policy 435 Adopted: 2/2/99
(formerly Policy 4113 & 4213)

Policy Revised: 4/1/86

Policy Adopted: 7/10/72

Legal References

M.S. 122A.16 Qualified Teacher Defined

M.S. 122A.22 District Verification of Teacher Licenses

POLICY 506 – STUDENT DISCIPLINE

- I. The School Board recognizes that in order for the District to achieve its mission, a safe and healthy learning environment is essential. Students, therefore, must conduct themselves in a manner that maintains a climate in which learning can take place. It is the School Board’s position that when it becomes necessary to implement disciplinary measures, those measures should be implemented in a manner that is fair and equitable and that provides a learning opportunity for students that forms a basis for future self-discipline and student achievement.
- II. The School Board and District administrators will support personnel who, in dealing with behavioral matters, act in accordance with federal law, Minnesota Statutes, including 121A.40-121A.56 - The Pupil Fair Dismissal Act, and 121A.60-121A.61 - Discipline and Removal of Students from Class, state rules relating to education, School Board policies, and building regulations.
- III. This Policy 506 - Student Discipline applies district-wide on school property and at all school-related activities, trips and functions, whether on or off school property, school bus stops, school buses, or any vehicle approved for District purposes, and the area or entrance to or departure from school premises or events for all students regardless of age. With respect to non-school functions, student conduct occurring off school property that is brought to the attention of the District and that creates a substantial disruption or material interference with the school environment or school activities may also be subject to this policy and related procedures.
- IV. Disciplinary action may result for student behavior which:
 - A. violates federal, state, or local laws;
 - B. violates School Board policies, District procedures or building regulations;
 - C. disrupts the rights of others to an education;
 - D. disrupts the ability of school personnel to perform their duties;
 - E. disrupts school-sponsored or extracurricular activities;
 - F. results in theft, damage or destruction of school property; or
 - F. endangers the health, safety or welfare of any person, including other students, District employees, the offender or surrounding persons or property of the school.
- V. Students, parents and other guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

Reviewed: _____
Revised: 9/25/18
Reviewed: 9/16/14
Revised: 6/23/09
Revised: 10/16/01
Policy 506 Adopted: 6/6/00 (formerly Policy 5212)
Revised: 4/15/97
Revised: 5/2/95
Revised: 1/4/94
Revised: 1/22/91

Revised: 12/6/88
Revised: 6/7/88
Revised: 4/5/88
Revised: 11/18/86
Policy 5212 Adopted: 9/18/84

Legal References:

20 U.S.C. §§ 1400-1487 – IDEA
29 U.S.C. § 794 *et. seq.* – Rehabilitation Act of 1973, § 504
34 C.F.R. § 300.530(e) – 300.536 – Discipline Procedures
M.S. 121A.40-121A.56 – Pupil Fair Dismissal Act
M.S. 121A.575 – Alternatives to Pupil Suspension
M.S. 121A.582 – Student Discipline; Reasonable Force
M.S. 121A.60-121A.61 – Discipline and Removal of Students from Class
M.S. Ch. 125A – Students with Disabilities

Cross References:

Policy 502 – Search of Student Lockers, Desks, Personal Possessions and Student’s Person
Policy 503 – Attendance and Absences
Policy 504 – Student Dress and Appearance
Policy 514 – Bullying Prohibition
Policy 516 – Student Medication
Policy 524 – Internet Acceptable Use Policy
Policy 526 – Hazing Prohibition
Policy 541 – Chemical Use and Abuse
Policy 542 – Extended Educational Trips
Policy 548 – Harassment and Violence
Policy 550 – Suspension
Policy 551 – Exclusion and Expulsion
Policy 709 – Student Transportation Safety
Policy 726 – Student Conduct on Buses

PROCEDURE 506 – STUDENT DISCIPLINE

I STUDENT BEHAVIOR SUBJECT TO DISCIPLINE

These examples are not intended to be an exclusive list. Any student who engages in any of these activities or whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students or employees, will be disciplined in accordance with school district policies and procedures.

A. Truancy and Unauthorized Absences

1. Truancy is defined as absence from school or class without the approval of building administration.
2. Students will be in attendance as required by current State Statutes, State rules relating to education, school district policy, and building regulations. The authority to decide whether an absence is excused or unexcused rests with the Principal or Principal's designee. Students returning to school following an absence, whether excused or unexcused, will be expected to complete all missed assignments according to building regulations.

B. Violations Against Property, including vandalism, theft, arson, breaking and entering/burglary and robbery/extortion

1. Vandalism is defined as damage to or destruction of school property or property of others.
2. Theft is defined as the act of intentionally and without claim of right, taking, using, transferring, concealing, or retaining possession of property of another without consent and with intent to deprive the owner of the property or not making reasonable effort to find the owner.
3. Arson is defined as intentionally destroying or damaging, by means of fire or explosives, any personal or school property.
4. Breaking and entering/burglary is defined as entering a building without consent and committing a crime or intending to commit a crime.
5. Robbery/extortion is defined as taking personal property from another or in the presence of another by use of threat or force.

C. Fighting or Assault Against a Person or Persons

1. Fighting and physical assault are defined as acts which intentionally inflict, threaten to inflict, or attempt to inflict bodily harm upon another person or inflicting bodily harm upon another even though accidental or a result of poor judgment.
2. Verbal assault is defined as abusive, threatening, profane, intimidating, degrading, discriminatory or obscene oral language, by a person or persons toward another, or which encourages a person to assault another person. Verbal assault includes conduct which degrades a person or persons because of gender, sexual orientation or gender identity or expression, physical or mental abilities, race, religion, ethnic background, or other protected classification.
3. Nonverbal assault is defined as abusive, threatening, profane, intimidating, degrading, discriminatory or obscene gestures or written language by a person or persons toward another or which encourages a person to assault another person. Nonverbal assault includes conduct which degrades a person or persons because of gender, sexual orientation or gender identity or expression, physical or mental abilities, race, religion, ethnic background or other protected classification.

- D. Sexual Harassment and Sexual Violence
1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other physical or verbal conduct or communication of a sexual nature.
 2. Sexual violence is a physical act of aggression or assault upon another person that includes a sexual act or sexual purpose or other illegal or inappropriate sexual conduct.
 3. The prohibition against sexual harassment and sexual violence is also described in Policy 413 – Prohibition Against Discrimination, Harassment and Violence. Violation of that policy is also a violation of this Policy 506 – Student Discipline.
- E. Religious and Racial Harassment and Violence
1. Religious/racial harassment consists of physical or verbal conduct or communication which is related to an individual's religion/race when the conduct:
 - a Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - b Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c Otherwise adversely affects an individual's employment or academic opportunities.
 2. Religious/racial violence is a physical act of aggression or assault upon another person because of, or in a manner reasonably related to, religion/race.
 3. The prohibition against religious and racial harassment and violence is also described in Policy 413 – Prohibition Against Discrimination, Harassment and Violence. Violation of that policy is also a violation of this Policy 506 - Student Discipline.
- F. Other Harassment/Violence
- All other forms of harassment/violence are prohibited, including, but not limited to, any form of conduct which is inappropriate, abusive, threatening, or demeaning based upon a person's race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, sexual orientation or gender identity/expression.
- G. Hazing
1. Hazing means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose.
 2. The prohibition against hazing is also described in Policy 514 – Bullying & Hazing Prohibition. Violation of that policy is also a violation of this Policy 506 - Student Discipline.
- H. Threats and/or Disruptions to School Operations
1. Threats are defined as acts that interrupt normal school operations or school activities, including but not limited to the reporting of dangerous or hazardous situations that do not exist, such as false fire alarms, false all calls, bomb threats, or instigating the same.
 2. Disruptions are acts that interrupt the peace and good order of the school or school-sponsored activities or disrupt the educational process. Disruptions include use of electronic communication devices, and organizing or participating in walk-outs, sit-ins or cafeteria disruptions or acts which are dangerous or detrimental to the student, other students, school district personnel or surrounding persons, or which violate the rights of others or damage or endanger the property of the school or which otherwise interfere with the mission or operations of the school district or the safety or welfare of students or employees.

I. Trespassing

Trespassing is defined as unauthorized presence in or on a building, property, or equipment owned or leased by the school district.

J. Weapons

1. The school district prohibits real and look-alike weapons, including but not limited to:
 - a All firearms, whether loaded or not
 - b Other guns of all types, including pellet or B-B guns, air guns or stun guns
 - c Knives, including switch blades or automatically opening knives or other blades
 - d Explosives, including ammunition, bullets or other projectiles designed to be used in or as a weapon and fireworks or any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation
 - e Flammable liquids or combustibles or any compound or mixture, the primary or common purpose of which is to function as an explosive
 - f Clubs, metal knuckles, num-chuks, throwing stars, mace and other propellants, poisons, chains or arrows
 - g Any object or device or instrument designed as a weapon, modified to serve as a weapon, or through its use is capable of threatening or producing bodily harm, or which may be used to inflict self-injury
2. Students are forbidden to possess, store, transmit, or use any instrument that is considered a weapon or a look-alike weapon in school, on school grounds, at school activities, trips or functions, at bus stops, on school buses or school vehicles or school contracted vehicles, or any other vehicles approved for school district purposes, or the area of entrance to or departure from school premises, property or events at all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district unless such possession or use is an approved part of a school sponsored activity.
3. Further, the school district prohibits possession, utilization and distribution of weapons or harmful or nuisance articles.
 - a Possession is defined as having control of or storing objects which may threaten and/or harm person(s) or property.
 - b Utilization is defined as the use of objects which threaten and/or harm person(s) or property.
 - c Distribution is defined as transmitting objects which may threaten and/or harm person(s) or property.
4. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be subject to expulsion for a period of one year. The school board may modify this requirement on a case-by-case basis.
5. Exception: students may possess weapons at school sponsored weapons safety or marksmanship activities.

K. Ignition Device

No student shall use or possess an ignition device, including a butane or disposable lighter or matches, inside of an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school.

L. Tobacco Use/Electronic [Cigarettes](#)[Devices](#)

No student, regardless of age, may possess, use, sell, or distribute tobacco, electronic cigarettes or tobacco/electronic [cigarette-devices](#) paraphernalia in any form or at any time at any school-related activities, trips or functions, at bus stops, on school buses, in school buildings, property, school vehicles or school contracted

vehicles, or other vehicles approved for school district purposes, or on school grounds or the area of entrance or departure from school premises, property or events. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.

M. Chemical Use

No student, regardless of age, may possess, use, be under the influence of, distribute, sell, and/or exchange unauthorized or illegal chemical substances including, but not limited to, narcotics, drugs or other controlled substances, alcohol, or other intoxicating substances or mood-altering chemicals, drug paraphernalia or look-alike substances, or other articles that are illegal or harmful to persons or property. Medication prescribed by a physician must be handled in accordance with Policy 516 – Student Medication. See also Policy 541 - Chemical Use and Abuse and Policy 516 – Student Medication.

N. Network-Internet Resources/Theft, damage or destruction to 1-to-1 District Issued Device
Appropriate use of network/Internet resources is described in Policy 524 – Internet Acceptable Use Policy. Violation of that policy is also a violation of this Policy 506 - Student Discipline. Theft or willful or reckless damage/destruction of a school issued 1-to-1 device may result in disciplinary action in addition to repair costs/restitution.

O. Transportation and Traffic Rules

1. Violation of bus or transportation rules or the school district’s transportation safety policy. See also Policy 709 – Student Transportation Safety Policy.
2. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property.

P. Inappropriate Materials

Possession or distribution of slanderous, libelous or pornographic materials.

Q. Student Attire

Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational environment or is otherwise in violation of Policy 504 – Student Dress and Appearance.

R. Falsification or Alteration of Documents

1. Falsification of any records, documents, notes or signatures.
2. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means.

S. Cheating

Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of smart phones or other technology to accomplish this end.

T. Indecent Exposure

Indecent exposure is the purposeful and lewd exposure of one’s own body or private parts, procuring another to expose private parts, other open lewdness or public indecency.

U. Cell Phone Misuse

Use of a cell phone in violation of the District’s Internet Acceptable use and Safety Policy or in violation of any other District Policy. Cell phone misuse shall include but is not limited to recording or pretending to record other students engaged in

violating District Policies, such as but not limited to assault and fighting.

U.V. Local, State or Federal Law

Students who violate any local, state or federal law may be subjected to disciplinary action.

II DISCIPLINARY/CORRECTIVE ACTION

Schools ~~should~~must employ positive behavior interventions and supports in an effort to minimize disruptive behaviors in the schools prior to utilizing dismissal proceedings except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property. Effective nonexclusionary discipline includes building relationships, repairing harm, restoring relationships and other restorative practices to engage students in their learning community. The following are examples of possible nonexclusionary disciplinary or corrective action and are not intended to be an exclusive list.

A. Potential Actions

Disciplinary or corrective actions may include but are not limited to one or more of the following:

1. Meeting with the teacher, counselor, Principal, or Principal's designee
2. Detention
3. Loss or restriction of school privileges, including suspension from extracurricular activities
4. Parental conference with school staff, possibly resulting in a corrective action plan or discussion related to mental health screening
5. Modified school programs
6. Referral to School Support Services
7. Referral to the legal system
8. Referral to a law enforcement agency or other appropriate authorities
9. Restitution/repair or replacement costs for theft or damaged school property
10. Removal from class
11. Dismissal for one day or less
12. Suspension
13. Alternatives to suspension including, but not limited to, community service and Saturday school
14. Expulsion or exclusion
15. Other disciplinary action as deemed appropriate by the school district.

B. Removal from Class

1. Removal from class means any actions taken by a teacher, principal or other school district employee to prohibit a student from attending a class or activity period. In elementary grades, a "class period" or "activity period" means a period not to exceed one (1) hour regardless of the subject of instruction. In secondary grades, a "class period" or "activity period" means an established time unit of instruction for a given course of study.
2. Grounds for Removal
Grounds for removal from class shall include any of the following:
 - a Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
 - b Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;

- c Willful violation of any school rules, regulations, policies or procedures, including the behavioral expectations set forth in this procedure; or
 - d Other conduct which, in the discretion of the teacher or administration, requires removal of the student from class.
3. Procedures for Removal from Class
 - a A student must be removed from class immediately if the student engages in assault or violent behavior. In such instances, the removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.
 - b Other than in a circumstance described in paragraph B 3 a., a student will be removed from class only upon agreement of the appropriate teacher and Principal or Principal's designee after an informal administrative conference with the pupil. The decision to remove a student will ultimately be the responsibility of the Principal or Principal's designee.
 - c The length of time of the removal will be at the discretion of the Principal or the Principal's designee after consultation with the teacher but will not exceed five (5) class or activity periods per incident.
 - d Removal from class may be imposed without an informal administrative conference when a student engages in assault or violent behavior or is causing and/or appears to be causing a serious disruption or appears to be creating an immediate and substantial danger to himself/herself or to person(s) or property.
 - e In removing a student from class, a school district employee may use reasonable force, if necessary, in compliance with applicable laws.
 4. Responsibility for and Custody of a Student Removed From Class
Students who are removed from class will be supervised by a school district staff member.
 5. Return to Class after Removal
Students will return to class upon completion of the terms of the removal established at the informal administrative conference referenced in section II.B.3b.
 6. Procedures for Notification
 - a The principal or principal's designee will determine the need for and method of notification to parent or guardian.
 - b After the student has been removed from class more than ten (10) times in one school year, the principal or designee will notify the student's parent and guardian and request that the parent or guardian meet with the site administrators to discuss the problem that is causing the student to be removed from class.
 7. Students on an Individual Education Program (IEP)
The principal or designee, in consultation with the Student's special education case manager, will determine whether the student's removal from class requires a meeting to review the adequacy of the student's current Individual Education Program (IEP) or whether there is a need for further assessment. If it is determined such a meeting is necessary, the student's case manager will schedule and provide appropriate notices of such meeting.
 8. Early Intervention
The Principal or designee will review the following:
 - a Any procedures or services appropriate for encouraging early involvement of parents or guardians to improve the student's behavior;
 - b Any procedures or services determined appropriate for encouraging early detection of behavioral problems;
 - c Whether the student may need a referral and consideration of eligibility for special education services in order to benefit from his or her education;

- d The appropriateness of referring the student to the school district chemical abuse pre-assessment team;
- e The appropriateness of addressing the student's behavior through a crisis intervention plan; and
- f The appropriateness of any other interventions to improve the student's conduct and behavior.

C. Recess Detention

Prohibiting a student from engaging in recess is not allowed unless:

1. a student causes or is likely to cause serious physical harm to other students or staff;
2. the student's parent or guardian specifically consents to the use of recess detention; or
3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.

If recess detention is used, the school must make reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.

The District must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The school district is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.

D. Mealtime Delay

The District must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

~~C.E.~~ Dismissal for ~~One Day or Less than One School Day~~

Dismissal for ~~one day or less than one school day~~ is defined as removing the student from the school premises, ordinarily sending the student home, for the remainder of the day on which the infraction occurs, with communication to appropriate parties as determined by building-level procedures, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.

~~D.F.~~ Suspension, Exclusion and Expulsion

Suspension, exclusion and expulsion will be imposed in accordance with The Pupil Fair Dismissal Act, including allowing a suspended student the opportunity to complete all school work assigned during the suspension and to receive full credit.

The school shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student

may present the student's version of the facts. A separate administrative conference is required for each period of suspension

G. Suspension Prohibited

1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
 - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
 - b. kindergarten through Grade 3.
2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined herein as nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

E.H. Notification of ~~Violation~~Suspension

- ~~1. Parent/guardian will be notified of violation(s) and resulting disciplinary action(s) according to building regulations, except as provided otherwise by The Pupil Fair Dismissal Act.~~
- ~~2. Students will be notified of violations and resulting disciplinary actions verbally, except as provided otherwise by The Pupil Fair Dismissal Act.~~
 1. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
 2. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
 3. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
 4. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.
 5. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing

I. Notification of Expulsion/Exclusion

The District shall follow the Pupil Fair Dismissal Act when proposing a student for expulsion or exclusion.

A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.) The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.

In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.

Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days

III ADMISSION OR READMISSION PLAN

The school must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

HHIV PROVISIONS FOR STUDENTS ON AN INDIVIDUAL EDUCATION PROGRAM (IEP)

Students on an Individual Education Program(IEP)

- A. When a student with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program team, including at least one of the child's teachers, will meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program. This meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.
- B. Before initiating an expulsion or exclusion, the district, relevant members of the student's individualized education program team, and the student's parent will meet to determine whether the student's behavior was caused by or had a direct and substantial relationship to the student's disability and whether the student's conduct was a direct result of a failure to implement the student's individualized education program. Such a meeting must be held within ten (10) school days of the school district's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student.

1. If the behavior is not a manifestation of the student's disability, the school district may proceed with discipline – up to and including expulsion and/or exclusion – as if the student did not have a disability, unless the student's educational program provides otherwise.
 2. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team will conduct a functional behavior assessment (FBA) and implement a behavioral intervention plan for such student provided that the school district had not conducted an FBA prior to the manifestation determination. Where an FBA has previously been completed and a behavioral intervention plan has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.
- C. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion, if the student is an enrolled student.

IV OPEN ENROLLED STUDENTS

A. Application of Policy

Open enrolled students may be disciplined up to and including expulsion/exclusion as provided in this Policy.

B. Termination of Enrollment Options

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program or Enrollment in Nonresident District at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy, and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

VI DISCIPLINE COMPLAINT PROCEDURE

Students, parents and other guardians, and school staff may file a complaint and seek corrective action if they believe the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the District's discipline policies, are not being implemented appropriately or are being discriminately applied.

1. Complaints should first be brought to the school's Principal either verbally or by email. If the concern remains unresolved, an appeal of the school's decision may then be brought to the District's District Level Principal, whose name and contact information may be found on the District's website or must be provided by the school. The discipline appeal process is initiated when a Complainant completes and submits a Discipline Complaint form to the Superintendent or the Superintendent's designee.
2. A Discipline Appeal Form is available on the District's website and in the schools' administrative offices.
3. The investigation shall begin within three school days of receiving the complaint. The Superintendent will direct the investigation and will designate and identify the school district personnel who will manage the investigation and who are responsible for keeping and regulating access to any resulting record. The District may use outside counsel as it sees fit.

4. Upon completion of the investigation, a written determination addressing each allegation and containing findings and conclusions will be issued to the Complainant in a manner consistent with the Minnesota Government Data Practices Act.
5. If the investigation finds the requirements of the Minnesota Pupil Fair Dismissal Act (Minnesota Statutes, sections 121A.40 to 121A.61), including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant District staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future, the superintendent or the superintendent's designee will take necessary measures.
6. Reprisal or retaliation against any person who asserts, alleges, or reports a complaint is prohibited. The District will take appropriate action consistent with Minnesota law and school district policies in the event that an individual or individuals are found to have engaged in reprisal or retaliation.

¶VII NOTIFICATION OF POLICY

This policy will be posted on the school district's website. Nothing in this policy is intended to conflict with The Pupil Fair Dismissal Act.

¶VIII BUILDING PROCEDURES

The Assistant Superintendents of Leadership, Teaching and Learning is authorized by the School Board to require each building to develop procedures consistent with this Policy 506 – Student Discipline. Building procedures will include but not be limited to the following:

- A. Procedures determined appropriate for encouraging early involvement of parent/guardian in attempts to improve a pupil's behavior.
- B. Procedures determined appropriate for encouraging early detection of behavioral problems, including communication among teachers, the parent or guardian, and building administration.
- C. Procedures for notifying appropriate teachers of disciplinary actions involving their students.
- D. Procedures determined appropriate for referral to special education services.

Reviewed _____

Revised: 11/27/18

Revised: 11/22/16

Revised: 11/17/15

Revised: 6/23/09

Revised: 10/16/01

Policy 506 Adopted: 6/6/00 (formerly Policy 5212)

Revised: 4/15/97

Revised: 5/2/95

Revised: 1/4/94

Revised: 1/22/91

Revised: 12/6/88

Revised: 6/7/88

Revised: 4/5/88

Revised: 11/18/86

Procedure 5212 Adopted: 9/18/84

Legal References:

20 U.S.C. §§ 1400-1487 – IDEA
29 U.S.C. § 794 et. seq. – Rehabilitation Act of 1973, § 504
34 C.F.R. § 300.530(e) – 300.536 – Discipline Procedures
M.S. 121A.40-121A.56 – Pupil Fair Dismissal Act
M.S. 121A.575 – Alternatives to Pupil Suspension
M.S. 121A.582 – Student Discipline; Reasonable Force
M.S. 121A.60-121A.61 – Discipline and Removal of Students from Class
M.S. 122A.42 – General Control of Students
M.S. 122A.627 Positive Behavioral Interventions and Supports
M.S. Ch. 125A – Students with Disabilities

Cross References:

Policy 502 – Search of Student Lockers, Desks, Personal Possessions and Student’s Person
Policy 503 – Attendance and Absences
Policy 504 – Student Dress and Appearance
Policy 514 – Bullying Prohibition
Policy 516 – Student Medication
Policy 524 – Internet Acceptable Use Policy
Policy 526 – Hazing Prohibition
Policy 541 – Chemical Use and Abuse
Policy 542 – Extended Educational Trips
Policy 548 – Harassment and Violence
Policy 550 – Suspension
Policy 551 – Exclusion and Expulsion
Policy 709 – Student Transportation Safety
Policy 726 – Student Conduct on Buses

POLICY 507 – CORPORAL PUNISHMENT AND PRONE RESTRAINT

I. PURPOSE

The purpose of this policy is to describe the limitations on the use of corporal punishment and prone restraint upon a ~~of~~ students.

II. GENERAL STATEMENT OF POLICY

All school district employees or agents are prohibited from inflicting corporal punishment, ~~or~~ causing corporal punishment to be inflicted upon a student or using prone restraint upon a student to reform unacceptable conduct or as a penalty for unacceptable conduct.

III. PERMITTED RESTRAINT

Reasonable force may be used upon or toward the person of a student without the student's consent ~~when used by a school district employee or agent in the exercise of lawful authority or to restrain a student from self injury or injury to any other person or property.~~ when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another, and for principals and teachers to prevent the imminent bodily harm or death to the student or another.

IV. REPORTING

Any school district employee or agent who employs or observes employed corporal punishment or physical restraint upon a student will report the incident in accordance with Procedures 507 – Corporal Punishment.

Policy 507 Revised:

Policy 507 Revised: 6/13/17
Policy 507 Revised: 10/21/14
Policy 507 Adopted: 12/7/99
(formerly Policy 4139.1 & 4239.1)
Policy Adopted: 2/20/90

Legal References:

M.S. 121A.58
M.S. 121A.582
M.S. 123B.25
M.S. 609.06, Subd. 1(6), (7)

Cross References:

Policy 414 – Mandated Reporting of Maltreatment of Children and Vulnerable Adults

School Board
INDEPENDENT SCHOOL DISTRICT 279
Maple Grove, Minnesota

PROCEDURE 507 – CORPORAL PUNISHMENT AND PRONE RESTRAINT

I. Definition

Corporal punishment is conduct involving:

- A. Hitting or spanking a person with or without an object, or
- B. Unreasonable physical force that causes bodily harm or substantial emotional harm.

Prone Restraint means holding a student in a face-down position.

II. Corporal Punishment

- A. In the event a school district employee or agent strikes, hits, grabs or attempts to apply unreasonable force to a student, or in a violent rude or angry manner, touches or lays hands upon a student, the individual so acting will:
 1. Immediately notify the Principal of the incident.
 2. Submit a written report of the incident to the Principal prior to leaving the building for the day.
- B. Any school district employee or agent who witnesses an incident such as described in II.A. above will:
 1. Immediately notify the Principal of the incident.
 2. Report as directed in Policy and Procedure 414 – Mandated Reporting of Children and Vulnerable Adults.
- C. Upon receipt of a report of an incident such as described in II.A. above, the Principal will:
 1. Immediately notify the supervising Assistant Superintendent of Leadership Teaching and Learning (DLTL) and the Executive Director of Human Resources of the incident.
 2. Determine whether or not it is appropriate for the student and/or school district employee or agent to remain in class or at the job station. When possible, the Principal will make this determination in consultation with the supervising Assistant Superintendent or Executive Director of Human Resources.
 3. Inform the student's parent/guardian immediately after reporting the incident to the supervising Assistant Superintendent of DLTL.
 4. Submit a written report of the incident to the supervising Assistant Superintendent of DLTL.
 5. Report as directed in Policy and Procedure 414 – Mandated Reporting of Maltreatment of Children and Vulnerable Adults.

III. Permitted Restraint

A school district employee or agent may use reasonable force or a permitted restraint of a student under atypical or strenuous conditions and in accordance with Policy 543, Use of Restrictive Procedures as Behavioral Interventions ~~for Children with Disabilities Receiving Special Education Services.~~

IV. Prohibitions

- A. An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
- B. An employee or agent of a district shall not use prone restraint.
- C. An employee or agent of a district shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.
- D. Conduct that violates this prohibition is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statutes, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in this Minnesota Statutes,

section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582

IV.V. Notification

Principals will review Policy 507 – Corporal Punishment with their staff annually during the preschool workshop. This Policy 507 – Corporal Punishment will be referenced in building staff handbooks.

Procedure 507 Revised:

Procedure 507 Revised: 6/13/17
Procedure 507 Revised: 9/23/14
Procedure 507 Dated: 12/7/99
(formerly Procedure 44139.1 & 4239.1)

Procedure Dated: 2/20/90

Legal References

M.S. 121A.58
M.S. 121A.582
M.S. 123B.25
M.S. 609.06, Subd. 1(6), (7)

Cross References

Policy 414 – Mandated Reporting of Maltreatment of Children and Vulnerable Adults

School Board
INDEPENDENT SCHOOL DISTRICT 279
Maple Grove, Minnesota

POLICY 514 – STUDENTS – BULLYING & HAZING PROHIBITION

I. Purpose

The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, hazing and other similar disruptive behavior. A safe and civil environment is needed for students to learn and attain high academic standards and to ensure a healthy school climate. Bullying and hazing, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and participate in school activities and teachers' ability to educate students in a safe environment. It is the school district's intent to prevent bullying and hazing and to take action to investigate, respond, remediate, and discipline such acts

II. General Statement of Policy

A. It is prohibited conduct and a violation of this policy, for any student(s) to bully another student(s) through conduct or communication in-person or through misuse of technology including cyberbullying.

B. It is prohibited conduct and a violation of this policy for any student to engage in bullying conduct at any time or any place in a manner that substantially and materially 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.

C. It is prohibited conduct and a violation of this policy for students, employees, volunteers or other representatives of the school district to engage in hazing of a student in order for the student to be initiated into or affiliated with a student organization.

D. It is prohibited conduct and a violation of this policy for any student, employee, volunteer or representative of the school district to engage in malicious and sadistic conduct and sexual exploitation against a student, employee, volunteer or representative of the school district.

D.E. It is prohibited conduct and a violation of this policy for any person(s) to retaliate against a student or employee for alleging a violation of this policy or for participating in an investigation of prohibited conduct under this policy

E.F. 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 must make reasonable efforts to address and resolve the prohibited conduct.

F.G. 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 will report the prohibited conduct to the primary contact person designated for the school at which the student who is the target for the prohibited conduct is enrolled.

G.H. This policy applies not only to persons who directly engage in an act of bullying or hazing but also to persons who, by their indirect behavior, condone or support another's act of bullying or hazing.

H.I. Allegations of bullying or hazing which are based upon or directed at a student's race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation should also be investigated and treated as potential prohibited harassment under District Policy 102.

III. Violation of Policy

Violation of this policy will be cause for disciplinary action against the violating student(s). Employees who do not comply with the requirements of this policy and implementing procedures may also face disciplinary action in keeping with applicable contract provisions and law.

IV. Training and Education

The superintendent or his/her designee will develop training materials to publicize the policy and provide information and training to school district staff and volunteers about bullying/hazing prevention and the requirements of this policy. The superintendent will

designate a primary contact person in each school building to receive reports of conduct prohibited under this policy, to ensure that this policy and procedures are fairly and fully implemented, and serve as the primary contact on policy and procedural matters concerning this Policy 514-Bullying Prohibition.

Revised:

Revised: 11/16/2021

Revised: 10/24/2017

Revised: 7/29/2014

Revised: 1/24/2012

Adopted: 6/6/2006

Legal References

Minn. Stat. §121A.03, (Sexual, Religious, & Racial Harassment and Violence)

Minn. Stat. § 121A.031 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

Policy 403 – Dismissal of Employees

Policy 413 – Harassment and Violence

Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Policy 506 – Student Discipline

Policy 507 – Corporal Punishment

Policy 515 – Protection and Privacy of Education Records

PROCEDURE 514 – STUDENTS – BULLYING & HAZING PROHIBITION

I. DEFINITIONS

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct by a student 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. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization. The term includes but is not limited to:
1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body;
 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school;
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of District policies or regulations.
- D. "Immediately" means as soon as possible but in no event longer than one school day.
- E. "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, political identity 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.

F. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

F.G. "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.

G.H. "Prohibited conduct" means bullying, cyberbullying or hazing 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.

H.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 a student who is the target or victim of prohibited conduct.

I.J. "Student" means a student enrolled in the school district.

II. REPORTING PROCEDURE

- A. Any student who believes they have been the victim of prohibited conduct proscribed by these procedures or any person with knowledge or belief of conduct that may constitute prohibited conduct proscribed by these procedures will report the alleged acts immediately to the building principal, site leader or their designee. A student may report prohibited conduct anonymously; however, the school district's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The school district encourages the reporting party to submit a written complaint of the prohibited incident. Oral reports will be considered complaints.
- C. The building principal, site leader or their designee will 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 contained in these procedures. The principal, site leader or their designee is responsible for investigation of any reports made in accordance with these procedures. The principals, site leaders or designees will, as appropriate, 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 will be particularly alert to possible situations, circumstances, or events that might include prohibited conduct. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute prohibited conduct will inform the building principal or designee immediately.
- E. Reports of 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 principal, site leader or their designee, in conjunction with the school district's responsible authority, is responsible for maintaining and regulating access to any report of prohibited conduct and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of prohibited conduct will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment. School district personnel who fail to inform the building principal or site leader or their designee of conduct that may constitute prohibited conduct or who fail to make reasonable efforts to address and resolve the prohibited conduct in a timely manner may be subject to disciplinary action or other appropriate sanctions.
- 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.

III. INVESTIGATION AND SCHOOL DISTRICT ACTION

- A. Within three days of receipt of a complaint or report of prohibited conduct, the school district will undertake or authorize an investigation by school district officials.
- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying or hazing, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct will 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 the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, discharge or other remedial response tailored to the particular incident and nature of the conduct and the student's developmental age and behavioral history. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the Minnesota Pupil Fair Dismissal Act, school district policies, and regulations. The school district will not make a determination of bullying and resulting discipline solely on an anonymous report.
- E. The school district is not authorized to disclose to a victim private educational data regarding an alleged perpetrator. School officials will notify the parent(s) or guardian(s), if deemed appropriate, of students involved in a bullying or hazing incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

F. In order to prevent or respond to prohibited conduct committed by or directed against a student with a disability, the school district will, when determined appropriate by the student's individualized education program (IEP) team or Section 504 team, allow the student's IEP or Section 504 plan to be drafted to address the skills and proficiencies the student needs as a result of the student's disability to allow the student to respond to or not to engage the prohibited conduct.

IV. BULLYING AND HAZING BASED UPON OR DIRECTED AT A STUDENT'S PROTECTED STATUS

If a student reports to being bullied or hazed based upon a protected status (race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, or sexual orientation) the report should also be investigated consistent with Policy 102.

V. RETALIATION OR REPRISAL

The school district will discipline any individual who retaliates against any person who reports, testifies, assists or participates in any manner in any investigation, proceeding or hearing related to bullying or hazing. Retaliation includes, but is not limited to, intimidation, reprisal, bullying or harassment.

VI. TRAINING AND EDUCATION

A. The superintendent or their designee will provide appropriate training to school district personnel to prevent, identify, and respond to prohibited conduct.

B. The school district will provide ongoing training to build skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. School personnel who will be trained include but are 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.

VII. NOTIFICATION

The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy will be referenced in the student handbook. Policy 514 – Bullying Prohibition or a summary thereof will be conspicuously posted in the administrative offices of the school district and each school site.

Revised:

Revised: 11/16/2021

Revised: 10/24/2017

Revised: 7/29/2014

Revised: 1/24/2012

Adopted: 6/6/2006

Legal References

Minn. Stat. §121A.03, (Sexual, Religious, & Racial Harassment and Violence)

Minn. Stat. § 121A.031 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

Policy 403 – Dismissal of Employees

Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Policy 506 – Student Discipline

Policy 507 – Corporal Punishment

Policy 515 – Protection and Privacy of Education Records

POLICY 515 PROTECTION AND PRIVACY OF EDUCATION RECORDS AND DATA

I. **PURPOSE:** The purpose of this policy is to ensure compliance with state and federal privacy laws applicable to student records and data; help maintain the privacy rights of students; and to guide and support school officials in the proper use and dissemination of student records and data.

II. GENERAL STATEMENT

- A. Educational records and data will be maintained on all students enrolled in or through the school district as required by State/Federal statute, law, rule, or regulation and as specified in Procedure 515 - Protection and Privacy of Education Records. These records will be maintained for the purpose of enforcing school district policies, meeting the school district's obligations under the law, and aiding each student in the educational process.
- B. District policy, procedures and practices on collection, security, and release of student records and data must comply with the provisions of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 C.F.R. Part 99), the Minnesota Government Data Practices Act (M.S. Ch. 13 and MN Rules Part 1205, the Confidentiality of Information Section of the Individuals with Disabilities Education Act (34 C.F.R. Parts 300.610 -.627), the Health Insurance Portability and Accountability Act (HIPPA) (45 CFR Parts 160, 162 and 164) and the Records Retention Act (M.S. 138.17).
- C. The superintendent is designated the "responsible authority" and they or their designee(s) are responsible for overseeing the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.
- D. To ensure sufficient data protection the responsible authority must (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all records containing data on individuals.

III. PRIVACY OF EDUCATIONAL RECORDS AND DATA

- A. Educational records and data collected, maintained or disseminated by the district is private data on individuals and shall not be disclosed except as provided for under state and federal law.
- B. Notwithstanding Paragraph III A, the following data concerning students is deemed "directory information" and is considered public data that can be released to the general public without prior consent of a student's parent(s) or an eligible student (i.e. reached 18 years of age or is attending institution of post-secondary education):
 - 1. Student's and parent's name(s);
 - 2. Student's school of attendance;
 - 3. Student's dates of school attendance;
 - 4. Student's grade level (e.g., first grade, tenth grade, etc.);
 - 5. Student's awards and degrees;
 - 6. Student's participation in officially recognized activities/sports;
 - 7. Student's height and weight, if a member of an athletic team;
 - 8. Student's photograph, including audio or video image of the student; participation in school-related activities or events; or

9. Information regarding a student stated/written in-district or school publications (e.g. yearbooks, newspapers and webpages) that would not be objectively viewed as harmful or an invasion of privacy if disclosed.
- C. In addition to the information available to the general public listed in Paragraph III B, the following information is considered "limited directory information" and may be released as follows:
1. Parents of enrolled students may be provided a list of the names of other students in the classes, to which the student is assigned;
 2. Parents of a student or the student may be provided the classroom photographs of classes in the student's school;
 3. ~~Mailing addresses and E~~email addresses of parents ~~and students~~ may be provided under the following limited circumstances:
 - i. If the address information is requested by a community organization, elected representative, or commercial memorabilia company authorized by the district for the purpose of recognizing a student's award or achievement and the requester of the data agrees not to forward or redistribute the information to other persons or entities;
 - ii. If the address information is sought by a school or community organization for the purposes of informing parents or students about a school referendum or ballot question involving the district and the organization agrees not to forward or redistribute the information to other persons or entities;
- D. A parent/guardian of a student or an eligible student may object to the directory or limited directory information listed in Paragraphs III B or C being disclosed without the parent/guardian or eligible student's prior written consent except as provided under federal and state law. In order to make directory or limited directory information private, the parent/guardian or eligible student must submit a completed Denial of Release of Directory Information to the building principal or superintendent of the district.

Policy Revised: 5/21/19
Policy Revised: 11/17/13
Policy Revised: 6/23/09
Policy Revised: 2/1/94
Policy 515 Adopted 9/2/03 (Formerly Policy 5710)
Policy Revised: 2/4/86
Policy Adopted: 3/5/75

Cross Reference:

Policy 414 - Mandated Reporting of Child Neglect or Physical or Sexual Abuse
Policy 506 - Student Discipline
Policy 519 - Interviews of Students by Outside Agencies
Policy 541 - Chemical Use/Abuse
Policy 925 - Internet (World Wide Web) and Intranet Publishing

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

I. Definitions

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

A. Student with an IEP

A student with an IEP means a student who is eligible to receive special education and related services pursuant to the terms of an individual education program (IEP).

B. Peace Officer

A peace officer means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term peace officer includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.

C. School Resource Officer

A school resource officer is a peace officer who, pursuant to an agreement between the school district and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.

D. Crisis Team

A crisis team means crisis services that may be available in accordance with an agreement regarding procedures to coordinate crisis services for Hennepin County implementing the Minnesota Children's Mental Health Act.

E. Remove the Student from School Grounds

The phrase remove the student from school grounds is the act of escorting that student from the school building or school activity at which the student is located.

F. Other

All other terms and phrases used in this policy and procedures will be defined in accordance with applicable state and federal law or ordinary and customary usage.

II. Removal of Students from School Grounds

A. Removal by Crisis Team

If the behavior of a student endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the Site Administrator may summon a county crisis team if one is available. If the student is a student with an IEP, the site leader may provide the student's IEP or behavior intervention plan to the Crisis Team. The Crisis Team may attempt to de-escalate the student's behavior through any legal means. If such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or

property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

B. Removal by School Resource Officer or Peace Officer

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

C. Reporting a Crime

1. Whether or not a student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student to appropriate authorities.
2. If the school district reports a crime committed by a student, school personnel will transmit copies of disciplinary records and, if applicable, relevant special education records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and Policy 515 - Protection and Privacy of Education Records.

D. Reasonable Force Permitted

In removing a student from school grounds, a building administrator, crisis team members, or the school resource officer or other agents of the school district, may use reasonable force when it is necessary under the circumstances to ~~correct or~~ restrain a student ~~who, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property~~ to prevent bodily harm or death to the student or another, or for a principal or teacher to prevent the imminent bodily harm or death to the student or another.

In removing a student with an IEP from school grounds, school resource officers and school district personnel shall not use the prohibited procedures listed in Policy 543 - The Use of Regulated Conditional Procedures as Behavioral Interventions with Special Education Students.

Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person

E. Parental Notification

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

F. Continued Removal of a Student with an IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or Individual Interagency Intervention Plan. If a student with an IEP is removed from a classroom, school building, or school grounds during the school day by a county crisis team or school resource officer at the request of a school administrator or school personnel twice in a thirty (30) day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Revised: 10/25/22

Revised: 3/15/16

Adopted: 9/21/2004

Legal References

20 U.S.C. 1415(k)(9) (Individuals with Disabilities Education Act (IDEA))

34 C.F.R. 300.529 (IDEA Regulation Regarding Involvement of Law Enforcement)

20 U.S.C. 1232g et seq. (Family Educational Rights and Privacy (FERPA))

M.S. 13.01, et seq. (Minnesota Government Data Practices Act)

M.S. 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)

M.S. 121A.55 (Policies to be Established)

M.S. 121A.582 (Student Discipline; Reasonable Force)

M.S. 121A.61 (Discipline and Removal of Students from Class)

M.S. 121A.67 (Aversive and Deprivation Procedures)

M.S. 125A094-.0924 (Restrictive Procedures for Children with Disabilities)

M.S. 245.487-.4889 (Children's Mental Health Act)

M.S. 609.06 (Authorized Use of Force)

M.S. 609.379 (Permitted Actions)

Cross References

District Policy 506 (Student Discipline)

District Policy 507 (Corporal Punishment)

District Policy 515 (Protection and Privacy of Education Records)

District Policy 543 (The Use of Regulated Conditional Procedures as Behavioral Interventions with Special Education Students)

POLICY 541 – CHEMICAL USE / ABUSE

I. PURPOSE

- A. The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The School Board believes that the public school has a role in education, intervention and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention and to maintain a safe and healthy environment for students.

II. GENERAL STATEMENT OF POLICY

- A. No student, regardless of age, may possess, use, be under the influence of, distribute, sell and/or exchange unauthorized or illegal chemical substances including but not limited to, narcotics, drugs, or other controlled substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, alcohol, or other intoxicating substances or mood-altering chemicals, drug paraphernalia or look-alike substances, or other articles that are illegal or harmful to persons or property. This prohibition also includes one student sharing a prescription medication with another. Medication prescribed by a physician must be handled in accordance with Policy 516 – Student Medication.
- B. This policy 541 - Chemical Use/Abuse applies district-wide on school property and at all school related activities, trips and functions, whether on or off school property, school bus stops, school buses, any other vehicle approved for District purposes, and the area of entrance to or departure from school premises or events for all students regardless of age.

III. ENFORCEMENT

- A. Students using, possessing and/or exchanging chemical substances in violation of this policy will be subject to consequences under Policy 506 – Student Discipline, and treated according to existing school rules, including notification of law enforcement agencies and the application of appropriate school discipline.
- B. Students suspected of violating this policy will be referred to their school’s student assistance team which is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- C. Students presently not under the influence who disclose their use of chemicals for the purpose of obtaining help with this problem will be treated in a non-punitive way by school personnel.

- D. In the event a student receives treatment outside the District, every effort must be made to effect a successful continuation in or re-entry into the school community.

Policy revised:

Policy Revised: 1/16/18
Policy Revised: 6/23/09
Policy Revised: 2/14/04
Policy Revised: 10/16/01
Policy 541 Adopted: 6/6/00 (formerly Policy 5217)
Policy Revised: 3/22/94
Policy Revised: 1/2/85
Policy Revised: 11/15/83
Policy Adopted: 3/24/81

Legal References

Federal Drug Free Schools and Communities Act
M.S. 152.01 – Definitions and Schedules Controlled Substances
M.S. 152.01, Subd. 18 – Drug Paraphernalia
M.S. 121A.26
M.S. 121A.29

Cross References

Policy 502 – Search of Student Lockers, Desks, Personal Possessions and Student’s Person
Policy 515 – Protection and Privacy of Student Records
Policy 506 – Student Discipline
Policy 516 – Student Medication
Policy 550 – Suspension
Policy 551 – Exclusion and Expulsion

School Board
INDEPENDENT SCHOOL DISTRICT 279
Maple Grove, Minnesota

PROCEDURE 541 – STUDENTS - CHEMICAL USE / ABUSE

I. DEFINITIONS

A. Chemicals

Chemicals include but are not limited to alcohol, toxic substances, [medical cannabis](#), [nonintoxicating cannabinoid](#), [edible cannabinoid products](#), and controlled substances as defined in the school district's Drug-Free Workplace/Drug-Free School policy.

B. Use

Use is defined as drinking, sniffing, smoking, swallowing, chewing, injecting, or otherwise absorbing into the body such illegal or mood-altering substances. Hereinafter, the term chemical(s) or chemical substances(s) will refer to all the prohibited substances defined in this paragraph A.

C. Chemical Abuse

Chemical abuse means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.

D. Paraphernalia

Paraphernalia is defined as equipment, products, and materials of any kind which are knowingly or intentionally used primarily in manufacturing a controlled substance or injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the human body (M.S. 152.01 – Definitions and Schedules of Controlled Substances). It is unlawful for any person knowingly or intentionally to use, possess or manufacture drug paraphernalia (M.S. 152.01, Subd. 18 – Drug Paraphernalia).

II. PREVENTION

A. Prevention

Prevention will be directed toward providing students with information and experiences which will prepare them to make responsible decisions regarding chemical use, including:

1. Pharmacological information appropriate to the students' age and development which includes potential social, legal, psychological, and physical effects of chemicals.
2. Understanding peer pressures and other influences upon students' lives.
3. Understanding the effects of emotions and stress in students' lives and learning appropriate coping skills.

B. Curriculum

Curriculum areas which are related to prevention of chemical use/abuse will be reviewed periodically in accordance with the District's Program Improvement Plan to determine if the content is appropriate and current for its intended students.

1. Units of instruction will be developed in the Health, and Guidance and Counseling curricula which deal with content appropriate to that area.
2. The two curricular areas identified in II.B,1 are not to be considered as being exclusive in the study of chemical use/abuse.
3. The District must provide vaping prevention instruction at least once to students in grades 6 through 8.

III. STAFF RESPONSIBILITY FOR REPORTING

- A. Staff who know or have reason to believe that a student is or will be using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, will immediately notify a member of the school's chemical abuse pre-assessment team of this information.

IV. PRE-ASSESSMENT TEAM (STUDENT ASSISTANCE TEAM) SERVICES

- A. Pre-assessment services will be available to students to help them with their concerns about chemicals and problems related to chemical use.
- B. Every school will have a chemical abuse pre-assessment team. The team will be composed of classroom teachers, administrators and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
- C. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to individual reported cases from the school and law enforcement.
- D. When a community violation has occurred, law enforcement is required to provide information about the violation to the Student Assistance/Pre-Assessment team. This notice must be provided to the team within two weeks after the incident occurs and then the data are handled in accordance with M.S. 121A.26, 121.29 and Policy 515 – Protection and Privacy of Education Records.
- E. Within forty-five days after receiving an individual reported case, the team will make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.
- F. If the team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student must be destroyed not later than six months after the determination is made.
If the team decides to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student must be destroyed not later than six months after the student is no longer enrolled in the district.

V. STUDENTS VIOLATING THE POLICY MAY HAVE CONSEQUENCES SUBJECT TO POLICY 506 – STUDENT DISCIPLINE AND DISTRICT PRACTICES

VI. PROVISION OF SUPPORT SERVICES FOR STUDENTS IN TREATMENT AND RETURNING FROM TREATMENT

The school will support a student returning from treatment for chemical abuse and other problems by:

- A. Cooperating with the treatment facility by providing information necessary to enable the facility to plan for the student's educational needs.
- B. Assigning school credit for work completed during the treatment experience.
- C. Formulating a school plan which will consider alternatives which best suit the student's needs and provides support as needed.

Procedure revised: 1/16/18
Procedure revised: 6/23/09
Procedure revised: 2/17/04
Procedure revised: 10/16/01
Procedure 541 Dated: 6/6/00
(formerly Policy 5217)

Legal References

Federal Drug Free Schools and Communities Act
M.S. 152.01 – Definitions and Schedules Controlled Substances
M.S. 152.01, Subd. 18 – Drug Paraphernalia
M.S. 121A.26, M.S. 121A.8, M.S. 121A.29

Cross References

Policy 502 – Search of Student Lockers, Desks, Personal Possessions and Student’s Person
Policy 515 – Protection and Privacy of Education Records
Policy 506 – Student Discipline
Policy 516 – Student Medication
Policy 550 – Suspension
Policy 551 – Exclusion and Expulsion

School Board
INDEPENDENT SCHOOL DISTRICT 279
Maple Grove, Minnesota

POLICY 543 – USE OF RESTRICTIVE PROCEDURES AS BEHAVIORAL INTERVENTIONS ~~FOR CHILDREN WITH DISABILITIES RECEIVING SPECIAL EDUCATION SERVICES~~

- I. Purpose
The School Board recognizes that in order to achieve its mission, a safe and healthy learning environment is essential. The District promotes positive behavioral interventions, but recognizes that in some emergency situations involving students with disabilities receiving special education services, it may be necessary to physically restrain a student in order to protect the student or others.
- II. General Statement
Restrictive procedures as behavioral interventions with children with disabilities receiving special education services will be used only in emergency situations and in accordance with applicable provisions of Minnesota Laws.
- III. The superintendent will provide training on the use of restrictive procedures for behavioral interventions.

Revised:

Revised: 10/25/22

Revised: 1/19/16

Revised: 1/24/12

Revised: 9/21/04

Adopted: 4/17/01 (formerly Policy 5410)

Adopted: 1/4/94

Legal References:

Minn. Rule 3525.0200, subps 1d-1g, 2a
2c, 8e, 8f, 25a, 25b

Minn. Rule 3525.1100, subp. 2F

Minn. Rule 3525.2900, subp. 5

PROCEDURE 543 – THE USE OF RESTRICTIVE PROCEDURES AS BEHAVIORAL INTERVENTIONS ~~FOR CHILDREN WITH DISABILITIES RECEIVING SPECIAL EDUCATION SERVICES~~

I. Definitions

- A. Restrictive Procedures means the use of physical holding or seclusion in an emergency.
- B. Physical holding is physical intervention intended to hold a student immobile or limit a student's movement and where body contact is the only source of physical restraint and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury. Physical holding does not include physical contact that:
 - 1. helps a student respond or complete a task;
 - 2. assists a student without restricting the student's movement;
 - 3. is needed to administer an authorized health-related service or procedure;
 - 4. is needed to physically escort a student when the student does not resist or the student's resistance is minimal; or
 - 5. is used to discipline a non-compliant student.
- C. Seclusion is confining a student alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Removing a student from an activity to a location where the student cannot participate in or observe the activity is not seclusion. Seclusion should not be used as a planned intervention for students.
- D. Emergency means a situation where immediate intervention is needed to protect a student or other individual from physical injury. Emergency does not include a student not responding to a task or request unless such failure to respond would result in physical injury to the child or other individual.
- E. Prohibited Procedures
Prohibited procedures are interventions that are prohibited from use in schools by district employees, contracted personnel, and volunteers. The actions described below are prohibited procedures:
 - 1. Corporal punishment, as defined in state law.
 - 2. Requiring a pupil to assume and maintain a specified physical position, activity, or postures that induces physical pain as punishment.
 - 3. Presentation of intense sounds, lights, or other sensory stimuli as punishment.
 - 4. Denying or restricting a student's access to equipment and devices that facilitate the student's functioning, except temporarily when necessary to prevent injury to the student or others or the student is perceived to be destroying or seriously damaging equipment or devices, in which case the equipment or device shall be returned to the child as soon as possible.
 - 5. Total or partial restriction of a child's senses (not to include study carrels when used as an academic intervention).
 - 6. Withholding regularly scheduled meals or water.
 - 7. Denying a student access to toilet facilities.
 - 8. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse as defined by Minnesota law.
 - 9. Physical holding that restricts or impairs a student's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a

- child's head, throat, neck, chest, lungs, sternum, diaphragm, back or abdomen, or results in straddling a child's torso.
10. Prone restraint (i.e. placing a child in a face down position as a means controlling a student).

II. Training for Staff

- A. Staff training will be provided to licensed special education teachers, school social workers, school psychologists, behavior analysts certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professionals, paraprofessionals credentialed for education paraprofessionals, and mental health professionals who work with students receiving special education services. Staff training will include:
 1. Positive behavioral interventions.
 2. Communicative intent of behaviors
 3. Relationship building.
 4. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior.
 5. De-escalation methods.
 6. Standards for using restrictive procedures only in an emergency.
 7. Obtaining emergency medical assistance.
 8. The physiological and psychological impact of physical holding and seclusion.
 9. Monitoring and responding to a child's physical signs of distress when physical holding is being used.
 10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used.
 11. School district policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure.
 12. School wide programs on positive behavior strategies.
- B. The school district will document participation in staff development activities regarding the use of restrictive procedures and who provided the training.

III. Documenting Use of Restrictive Procedures

- A. Restrictive procedures may be used only in an emergency. Restrictive procedures may be included in a student's Individual Educational Program (IEP) or Behavior Intervention Plan (BIP); however, the restrictive procedures may be used only in response to behavior that constitutes an emergency.
- B. For students who have an IEP, a student's case manager will make reasonable efforts to notify a student's parent on the same day a restrictive procedure is used. If same day notice is not possible, the case manager will send a notice within two days by written or electronic means or by the preferred means indicated by the parent at an IEP team meeting.
- C. The staff member who implements or oversees the physical holding or seclusion must document all uses of restrictive procedures.
- D. District administration will post the following information on the district's website;
 1. a list of the restrictive procedures the school intends to use;
 2. a description of how the district will implement a range of positive behavior strategies and provide links to mental health services;

3. a description of how the district will monitor and review the use of restrictive procedures, including:
 - a. conducting post-use briefings
 - b. convening an oversight committee to undertake a quarterly review of the use of restrictive procedures.
4. a description of staff training; and
5. identity of the oversight committee members.

IV. Use of Restrictive Procedures for Students with an IEP

A. Use of Restrictive Procedures Not Included in an IEP

1. If the student's IEP does not provide for using restrictive procedures in an emergency and a restrictive procedure is used as an emergency intervention on two separate school dates within 30 calendar days, or a student's pattern of behavior is emerging that interferes with the achievement of the student's educational goals and objectives, or at the request of the parent after restrictive procedures are used, the following procedures must be followed:
2. The staff person who implements or oversees the restrictive procedure will document the reason for and use of a restrictive procedure in an emergency situation and inform the parent/legal guardian and building administrator immediately following the emergency situation.
3. Within 10 calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or when a pattern emerges, the student's special education team must meet to determine if the student's IEP is adequate, if additional assessment is needed and, if necessary, amend the IEP. The team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contra-indicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BIP.
4. Restrictive procedures may be used in emergencies until the IEP team meets.
5. If the school district uses restrictive procedures on a student on ten or more school days during the same school year, the IEP team must, as appropriate, take one or more of the following actions;
 - a. Consult with other professionals working with the child
 - b. Consult with experts on behavior analysis, mental health, communication, or autism,
 - c. Consult with culturally competent professionals,
 - d. Review existing evaluations, resources, and successful strategies, or consider whether to reevaluate the student.

B. Use of Restrictive Procedures in IEPs:

1. In preparing the IEP, the IEP team will include, when appropriate, restrictive procedures to be used in an emergency. Restrictive procedures may only be used for emergency situations.
2. In order to plan for use of a restrictive procedure in an emergency, the team must conduct an assessment including a Functional Behavior Assessment (FBA) and prepare a report which includes:
 - a. The frequency and severity of target behaviors for which the restrictive procedure is being considered;
 - b. At least two positive interventions implemented and the effectiveness of each; and
 - c. Recommendations for the design and implementation of restrictive procedures in an emergency based on present levels of performance, needs, goals and objectives, for documentation in the IEP.

3. The IEP team must also develop a written BIP that describes the steps for implementing restrictive procedures in an emergency (use District Behavior Support Plan form).
4. When restrictive procedures are in an IEP or BIP the school district shall prepare and serve a Notice of Proposed Special Education Services form indicating that restrictive procedures have been added to the IEP. The Notice must inform the parent that, except for initial placement and provision of services, the school district will proceed with the use of restrictive procedures in an emergency unless the parent objects in writing on the Notice or otherwise in writing within fourteen (14) calendar days after receipt of the Notice. The use of restrictive procedures must be reviewed at the student's annual IEP meeting.
5. The IEP, Notice and Behavior Support Plan, if any must be filed in the student's cumulative file.

V. Reasonable Force Reports

- A. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
- B. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
- C. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person

Revised:

Revised: 10/25/22

Revised: 1/19/16

Revised: 9/10/13

Revised: 1/24/12

Revised: 9/21/04

543 Dated: 4/17/01_(Formerly Procedure 5410)

Procedure 5410 Dated: 1/4/94

Legal References:

Minn. Stat. §125A.0942

Minn. Stat. §121A.58

Minn. Stat. §626.556

POLICY 544 - SCHOOL MEALS

I. PURPOSE

The purpose of this policy is to ensure that students receive healthy and nutritious meals through the school district's nutrition program and that school district employees, families, and students have a shared understanding of expectations regarding meal charges. The policy of the school district is to provide meals to students in a respectful manner and to maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day ~~and minimize identification of students with insufficient funds to pay for school meals~~ as well as to maintain the financial integrity of the school nutrition program.

II. ACCESABILITY

Meals provided by Osseo Area Schools through the National School Lunch and Breakfast Program are available to all students regardless of family eligibility, meal account balance or available funds. All students attending school in person will have access to a free reimbursable breakfast and lunch meal during the school day as defined by the USDA.

~~III. MEAL BENEFITS AVAILABLE TO FAMILIES~~

~~All families may apply for Free and Reduced Meal Benefits and are encouraged to do so yearly. This is also known as Application for Educational Benefits.~~

~~Applications for free and reduced lunch will be made available on the school district website.~~

~~IV.III.~~ MEAL SERVICE

- A. One reimbursable bBreakfast and one lunch will be available daily free of charge to all students attending school in person, each school day that school is in session, when school is in session, to all students regardless of their eligibility or account balance.
- B. ~~If a student who does not qualify for free or reduced meals has insufficient funds to pay for a meal, the student will be allowed to purchase a full meal, which will cause the account balance to become negative. This meal will be a 'regular' meal. Alternative meals should will not be assigned given based upon a student's balance. inability to pay.~~
- C. A meal will not be taken from a student ~~regardless of their ability to pay~~. Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by nutrition staff or other school officials unless for health and safety reasons.
- D. A la carte items may be available for purchase outside of a reimbursable meal as defined by the National School Lunch and Breakfast Program. These items do require funds to be available in the meal account or with cash on hand. A la carte items, such as extra entrees, chips and beverages which fall outside of a reimbursable meal will be asked to be left at the cash register if a student has insufficient funds to purchase these extra items.

~~V.IV.~~ NEGATIVE BALANCES

- A. Negative balance amounts are not communicated to students at point of service.
- B. If a student inquires, Nutrition staff will discreetly provide meal balance information.

- C. Families will be notified ~~twice monthly~~weekly via the communication preferences the family has set up with the school district.
- D. The school district will make reasonable efforts to communicate with families to resolve the matter of unpaid charges. ~~Where appropriate, families may be encouraged to apply for free and reduced price meals for their children.~~
- E. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program, including, but not limited to, dumping meals, withdrawing a meal that has been served, announcing, or listing students' names publicly, or affixing stickers, stamps, or pins.
- F. The school district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when an account is negative, the debt is considered collectable, and efforts are being made to collect it.
- G. Collection options may include, but are not limited to, use of collection agencies, claims in the conciliation court, or any other legal method permitted by law.
- H. The school district will not impose any other restriction prohibited under Minnesota Statutes section 123B.37 (Minnesota Public School Fee Law) due to unpaid family meal balances. The school district will not limit a students' participation in any school activities including graduation ceremonies and access to materials and technology.

VI.V. COMMUNICATION OF POLICY

The school district will post this policy on the school district's website.

Revised:
Adopted 01/24/2023

Legal References:

Minn. Stat. § 124D.111 (School Meals Policies)
Minn. Stat. § 124B.34 *et seq.* (Public School Fee Law)

POLICY 921 – NON-USE OF TOBACCO ON SCHOOL PROPERTY

I. Purpose.

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

II. General Statement of Policy

- A. Smoking or use of tobacco, tobacco-related devices, or electronic cigarettes is prohibited on all school district property. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

III. Exceptions

- A. A violation of this policy does not occur when an American Indian adult, as defined by Minnesota Statute 144.4165, utilizes tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. A violation of this policy does not occur when an American Indian student carries a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

IV. Dissemination of Policy

The prohibition established by this policy must be communicated to students and employees through applicable student and employee handbooks.

Revised

Policy 921 Adopted: 10/16/01
(formerly Policy 902.1 - 10/6/98)
(formerly Policy 1339)
Policy Revised: 7/11//89

Legal References

Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)

POLICY 922 – NON-USE OF CHEMICALS ON SCHOOL PREMISES

- I. PURPOSE: The purpose of this policy is to prohibit the use and possession of prohibited chemicals during community use of school property in order to promote the health and well-being of all community members, employees, and students.
- II. GENERAL STATEMENT: Use of prohibited chemicals on school property is prohibited. This prohibition is effective for all persons while on school property or while utilizing school property.
- III. DEFINITIONS
 - A. "Use" includes the manufacture, sale, distribution, dispensation, transfer, possession or use of any prohibited chemical.
 - B. "Prohibited Chemicals" are defined as any legally-defined controlled substance, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, any alcoholic beverage, any substance being used to achieve a mood-altered state, and any non-prescription or prescription medication not being used in accordance with the manufacturer's guidelines.
 - C. "School Property" means any property owned, leased, or controlled by the school district where an elementary, middle, secondary school, secondary vocational center, child-care program, community education program or other school providing educational services is located, or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided. School property also includes any vehicle owned or leased by the school district and the area within a school bus when that bus is being used to transport one or more preschool or K-12 students.
- IV. NOTIFICATION: Notice of the policy will be made in publications of the Community Education Department.
- V. IMPLEMENTATION: It is the responsibility of the District and its employees to notify the law enforcement authorities when violations of law are observed. Violations of this policy, whether or not violations of law, are to be reported to the Community Education Department.

Policy 922 Revised:

Policy 922 Revised: 3/19/2019

Policy 922 Adopted: 10/16/2001

(formerly Policy 902.2 – 10/6/1998)

(formerly Policy 1340)

Policy Adopted 5/21/1996

Legal Authority:

Minn. Stat. § 152.021 to § 152.024 (possession/sale of controlled substance on school grounds)

Minn. Stat. §624.701(possession of alcohol on school grounds)

School Board

INDEPENDENT SCHOOL DISTRICT 279

Maple Grove, Minnesota

