

SUPERINTENDENT'S REPORT AND AGENDA

Regular Meeting of the Board of Education
Independent School District No. 280, Richfield, Minnesota

Richfield Public Schools *inspires* and *empowers* each individual to learn, grow and *excel*

Tuesday, January 19, 2021
7:00 p.m. School Board Meeting

- I. CALL TO ORDER
- II. REVIEW AND APPROVAL OF THE AGENDA
- III. INFORMATION AND PROPOSALS -- NON-ACTION ITEMS
 - A. Public Comment
 - B. Superintendent Update
 - 1. Pandemic & Learning Model Update
 - 2. Strategic Plan 2021-2026 Richfield Realized
 - 3. Year-to-Date Finance Update
- IV. CONSENT AGENDA
 - A. Routine Matters
 - 1. Minutes of the organizational meeting held January 4, 2021
 - 2. General Disbursements as of 1/12/21 in the amount of \$404,665.45
 - B. Personnel Items
- V. OLD BUSINESS
 - A. Policy 113 – Bullying Prohibition
 - B. Policy 103 – Racial, Religious, and Sexual Harassment and Violence & Administrative Guideline 103.1
 - C. Policy 115 - Title IX
- VI. NEW BUSINESS
 - A. Policy 581 – Protection and Privacy of Pupil Records & Administrative Guidelines 581.1 & 581.2
 - B. 2021 Represent A School Assignments
 - C. 2021 Board Liaison Assignments

D. Amended Resolution Designating Polling Places for 2021

E. Donations

VII. ADVANCE PLANNING

A. Legislative Update

B. Information and Questions from Board

C. Future Meeting Dates

2-1-2021 7:00 p.m. Regular Board Meeting

Tuesday 2-16-2021 7:00 p.m. Regular Board Meeting - Public Comment

D. Suggested/Future Agenda Items

VIII. CLOSED SESSION AS ALLOWED BY MINNESOTA STATUTE 13D.03 FOR
LABOR NEGOTIATIONS STRATEGY

IX. REOPEN MEETING

X. ADJOURN REGULAR MEETING

**INFORMATION AND PROPOSALS –
NON-ACTION ITEMS**

Agenda Item III.B.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: Superintendent Update

(Superintendent Unowsky provides information on the pandemic and plans for moving between learning models and presents the new strategic plan. Chief HR & Admin Officer Holje reports on finances.)

Attached:

Pandemic & Learning Model Update
Strategic Plan 2021-2026 Richfield Realized
Year-to-Date Finance Update

Enriching and accelerating learning



RICHFIELD
PUBLIC SCHOOLS

Pandemic & Learning Model Update

January 19, 2021

Enriqueciendo y acelerando el aprendizaje

Pandemic Status Update



RICHFIELD
PUBLIC SCHOOLS

- Current Hennepin County case rate is 35.6 per 10,000. Original MDE guidance would suggest hybrid for elementary and distance for secondary.
- Current Richfield case rate is 52.8 per 10,000.
- At the moment, case rates are remaining consistently between 30 and 50 in Hennepin County each week.

Number of cases per 10,000 over 14 days, by county of residence	Learning model
0-9	In-person learning for all students
10-19	In person learning for elementary students; hybrid learning for secondary students
20-29	Hybrid learning for all students
30-49	Hybrid learning for elementary students; distance learning for secondary students
50+	Distance learning for all students

Learning Model Update: Elementary Schools

- PreK-5th grade students who were previously in hybrid will return to hybrid programming beginning January 25th.
- Distance learning will continue to be an option for families who have chosen this.
- Continued monitoring of case rates will occur to determine a possible transition to in person learning (5 days per week for elementary).
- RPS will strive to continue early guidance related to student and staff safety, including maintaining reduced class sizes, room capacities and six-foot social distancing when feasible.

Elementary - Week of January 18-22

Monday, January 18 – NO SCHOOL (Holiday)

Tuesday, January 19 – Regular distance learning for all students

Wednesday, January 20 – Distance learning (asynchronous) for all students

Thursday, January 21 – Students moving into the hybrid program have no school. Distance learning (synchronous) for students remaining in distance programming.

Friday, January 22 – No school for all elementary students

Learning Model Update

- Special education students in secondary begin returning to school up to 4 days per week, depending on the collaborative decision of the IEP team, starting on January 25, 2021.
- Athletics and activities have reopened for in person practices and competitions.
- Given case rates at 35.6 with anticipated rates tomorrow in the low 40s, secondary students will remain in distance while we continue to monitor case rates and evaluate our work with our elementary hybrid program.
- We will give another update at the board meeting on February 16th.

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Questions/Comments

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Strategic Plan Update

Enriqueciendo y acelerando el aprendizaje

Progress So Far

December 2019	Reviewed Strategic Plan 2015-20 Reviewed measures on Vision Cards
January - June 2020	Gathered input, surveyed stakeholders and drafted plan
August - November 2020	Reviewed and revised draft and gathered additional feedback
December 2020	Presented draft publicly
January 2021	Presented final version

Timeline of Next Steps

Month	Action
January 2021	Launch and communicate new strategic plan
February – August 2021	Create Vision Cards aligned to plan with clear measurement and communication plans
April – June 2021	Determine first year priorities and plan for implementation

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RICHFIELD
PUBLIC SCHOOLS

Questions/Comments

Enriqueciendo y acelerando el aprendizaje

Richfield Public Schools Strategic Plan 2021-26

RICHFIELD *Realized*



First Day of Preschool
Central Education Center
September 2020



Academic Achievement Awards
Richfield Middle School
February 2020



Science Experiment
Richfield STEM Elementary
November 2019



Richfield Realized

Overview

The 2021-26 strategic plan, Richfield Realized, is our roadmap for ensuring Richfield Public Schools is a vibrant, engaging school district where we inspire and empower every student and staff member to learn, grow and excel in an equitable environment. Through this strategic plan, we will realize our goals and dreams together with our students, staff and community.

We Believe:

- in inspiring our students to grow, adapt and discover their place in the world
- all children have a right to a quality education, high standards, rigorous curriculum and powerful instruction
- in providing instruction that supports the different ways people learn
- that valuing our diverse backgrounds, experiences and perspectives fosters unity and empowers all
- the collective efforts of students, home, school and community form the foundation for excellence
- that core values of caring, honesty, respect and responsibility must be modeled, taught and nurtured
- it is everyone's responsibility to provide a safe, supportive and engaging environment

Background

We value the voice and experience of our students, families, staff and broader community. In developing this plan, it was important to us to involve as many people as possible in the process, as the outcomes will impact all of us—we are #OneRichfield.

Starting in December 2019, we began by reviewing the 2015-20 strategic plan, including our goals and outcomes, with our management team and District leaders.

January through March 2020, we held stakeholder meetings to share the results of our previous strategic plan and to collect input on new priorities. In all, over 500 people provided more than 1,000 suggestions through community engagement sessions and an online survey. Community engagement sessions included large community gatherings, smaller meetings with advisory councils and PTOs, as well as online meetings (due to COVID-19). We also collected student input through student councils, activities, teams and community meetings.

In April, May and June 2020, we used an online tool to survey our community, asking them to prioritize the list of goals and action items that were collected. We had 485 people who responded to the survey. Contained in this strategic plan are the results of these rankings. Each category contains the top goals as identified by our stakeholders. At the end of the document, you will find a list of activity suggestions that were submitted during the community engagement sessions and which may be used to help achieve the identified goals.

In fall 2020, we submitted our final draft for review from the community and received numerous additional responses from people who attended virtual meetings or who reviewed the plan online and submitted feedback through our website.

This document represents all of the feedback we received, synthesized into an ambitious and achievable plan that will help to ensure we inspire and empower each individual to learn, grow and excel.

2021-26 Strategic Plan

Timeline

Year One:

- Select key activities for reaching each goal and begin implementation
- Create a calendar for implementing new activities
- Create performance measures to develop and evaluation plan for each activity and goal

Year Two:

- Implement key activities
- Evaluate progress and make adjustments
- Provide any necessary staff training
- Report Outcomes to the community

Year Three:

- Implement key activities
- Evaluate progress and make adjustments
- Provide any necessary staff training
- Report Outcomes to the community

Year Four:

- Implement key activities
- Evaluate progress and make adjustments
- Provide any necessary staff training
- Report Outcomes to the community

Year Five:

- Fully evaluate the outcomes of the plan
- Report outcomes to the community
- Utilize what was learned to create strategic plan for next five years

Our Mission

Richfield Public Schools inspires and empowers each individual to learn, grow and excel.



Kindergarten Students at Recess
September 2020

Academics

Academic Vision

Students will receive a challenging, engaging and relevant academic experience in Richfield Public Schools which will prepare them for college, career and life.

Academic Belief Statement

All students are capable of achieving their dreams with the right educational foundation.

Academic Goals

1. We will address the educational debt owed to marginalized communities to ensure equitable outcomes for all students.
2. We will maintain small class sizes to ensure ideal student to staff ratios according to grade level and subject area.
3. We will increase course offerings to expand opportunities for students.
4. We will continue to support, promote and value biliteracy.
5. We will ensure all students learn about post-secondary options to set them up for success in their futures.

Activities

Activities Vision

Students will develop life skills, friendships and a sense of belonging through active participation in a variety of extracurricular activities at all grade levels. Activities will be inclusive, providing access, opportunity and a welcoming environment for all students.

Activities Belief Statement

Extracurricular activities are an asset to our entire school community, enhancing all aspects of school life and ensuring a well-rounded educational experience for students.

Activities Goals

1. We will provide more variety of activity programs to cater to the needs and interests of all students.
2. We will increase student participation in activity programs and better align the demographics of participating students with those of the overall student population.
3. We will increase attendance at games and performances to foster a greater sense of community.

Climate & Culture

Climate & Culture Vision

All students, families, staff and community members will share a sense of ownership, pride and belonging to Richfield Public Schools, where they will be part of a warm, welcoming and respectful environment that celebrates each and every individual.

Climate & Culture Belief Statement

By truly listening to, valuing and celebrating every member of our educational community, we can ensure our schools and programs provide a safe and supportive environment for learning, playing and working.

Climate & Culture Goals

1. We will ensure students are seen, valued, heard and respected to maintain a healthy school and We will ensure students are seen, valued, heard and respected to maintain a healthy school and District climate.
2. We will increase student support, especially social-emotional support to care for the needs of the RPS community.
3. We will support and celebrate diversity to provide a welcoming environment.
4. We will improve school pride to increase student enjoyment of and dedication to their education.
5. We will provide new opportunities for parent involvement to strengthen connections between home and school.
6. We will provide new opportunities for community involvement to strengthen connections between the Richfield community and school.



**Student Athletes
Richfield High School
September 2020**

Business & Operations

Business & Operations Vision

Every person in every role and every department will work together seamlessly to further our mission and vision.

Business & Operations Belief Statement

Only by working in alignment across all departments can we, as a district, achieve our goals.

Business & Operations Goals

1. We will maintain or improve staff hiring and support.
2. We will continuously improve our facilities to provide a comfortable and functional physical environment.
3. We will ensure environmentally friendly practices are used across the District.
4. We will continue to improve student meals to provide for students' nutritional needs.
5. We will maintain financial accountability and transparency as part of our responsibility to the community of Richfield.
6. We will continue to invest in technology resources for students, staff and families.
7. We will continue to improve transportation services to provide a welcoming atmosphere and access to opportunities.



Celebrating National Native
American Heritage Month
November 2019

Communication & Marketing



Communication & Marketing Vision

Our families, staff and community will view Richfield Public Schools as a trusted first source of school-related information and feel well informed through consistent, high-quality digital and print communications.

Communication & Marketing Belief Statement

By producing consistent, engaging and detailed content, as well as responsible marketing materials, we can engage and educate our audience, resulting in a stronger community.

Communication & Marketing Goals

1. We will improve family communication to strengthen the partnership between families and schools.
2. We will support the positive reputation of Richfield Public Schools.
3. We will improve marketing and public relations efforts to increase District enrollment.

Thank You

Thank you to our community.

As we refined the goals for our strategic plan, you provided invaluable recommendations for actions - what we should start and stop doing, do more or less of, do differently or keep the same. Here is a list of the final recommended actions, which will be used to guide our plans as we work to meet our strategic plan goals.

We couldn't do this without you. We are #OneRichfield.

Address the educational debt owed to marginalized communities to ensure equitable outcomes for all students.

- Ensuring the curriculum and classrooms reflect and respect student diversity and the lived experiences of the students in those classrooms
- Incorporating parent education and resources to support all students outside the classroom
- Working to ensure students believe in themselves and their individual talents and abilities
- Encouraging all students to take advanced courses and providing them with the support necessary to be successful in those courses
- Empowering staff members to build strong, healthy, non-biased relationships with students
- Providing professional learning for staff on culturally relevant instructional practices
- Ensuring that all teaching and learning, for both core and elective courses, occurs using culturally relevant curriculum and practices
- Ensuring that students receiving special education services have intentional access to supports and services that interrupt predictable patterns
- Evaluating referrals to special education, behavior interventions, suspensions, and other programs to ensure they are based on objective data and not influenced by biases or other non-academic factors

Maintain small class sizes to ensure ideal student to staff ratios according to grade level and subject area.

- Working to ensure average class sizes by grade level remain low compared to surrounding districts
- Working to ensure that largest class sizes remain under 30 elementary, 35 middle school and 40 at high school

Increase course offerings to expand opportunities for students.

- Offering more life skills courses at the high school (financial literacy, media literacy, etc.)
- Creating more family and consumer sciences in middle school (culinary, fashion design, etc.)
- Establishing or maintaining music and arts at elementary schools
- Designing additional project-based learning across grades
- Adding additional Spanish-language course options to the secondary level dual language immersion programs
- Expanding academic programming that is outside of the typical school day hours and academic calendar

Ensure all students learn about post-secondary options to set them up for success in their futures.

- Expanding advisory curriculum focused on post-secondary planning (from trades and certificate programs to 4-year colleges)
- Administering interest inventories for secondary students and using the information to build a rich learning environment
- Adding or enhancing post-secondary exploration in elementary schools
- Adding a Career and College Center at the high school
- Creating internships so students can explore careers and providing work experience credits
- Establishing an annual Career Day
- Incorporating post-secondary planning into special education services

Continue to support, promote and value biliteracy.

- Expanding course offerings, possibly to include Somali, indigenous, sign language, or other language/culture elective courses
- Providing teacher training for enhancing and valuing multiple language use in content classrooms
- Providing academic resources for multilingual families and families with students in the dual language program to support biliteracy at home

Ensure students are seen, valued, heard and respected to maintain a healthy school and District climate.

- Ensuring an equitable and culturally relevant environment that represents and values all students and their diverse backgrounds
- Increasing bullying prevention efforts
- Maintaining high social and academic expectations with intentional adult support
- Ensuring rules and policies are in place and followed equitably in buildings across the District
- Engaging students in behavior/discipline (such as a restorative justice program)
- Maintaining strong tiered systems of support for student behavior

Increase student support, especially social-emotional support to care for the needs of the RPS community.

- Providing supports specifically designed around meeting student needs with respect to all individual student differences
- Teaching executive functioning skills (such as time management, organization, etc.)
- Training teachers to identify and support students with mental health needs
- Creating additional support staff positions as needed

Support and celebrate diversity to provide a welcoming environment.

- Providing an environment that clearly and openly celebrates diversity and commits to valuing differences in all forms
- Providing district-wide events to celebrate cultures and bring together families from different backgrounds and community organizations
- Increasing support for Somali families
- Increasing support for LGBTQ+ students
- Increasing the number of staff members of color through intentional hiring and retention practices
- Providing racial equity training for staff and creating systems for implementation
- Starting or expanding student and/or staff affinity groups
- Continuing to expand the diversity of literature in libraries, while reviewing all current materials

Improve school pride to increase student enjoyment of and dedication to their education.

- Increasing and reimagining school events (such as pep fests, field days, etc.) with student input
- Establishing a tradition of Friday Spartan clothing day
- Providing school signs, communication and literature in multiple languages in every District building to offer assistance and provide a welcoming and equitable environment
- Incentivizing staff attendance at athletic and arts events
- Fostering a sense of pride in RPS facilities
- Engaging alumni in RPS events



**Family Night
Sheridan Hills Elementary
November 2019**

Provide new opportunities for parent involvement to strengthen connections between home and school.

- Expanding and deepening bilingual and multicultural family services
- Empowering parents to lead tours for new families
- Partnering with families on advocacy opportunities
- Scheduling family members as guest speakers in classrooms
- Working in partnership with the city and community across all areas of resident demographics
- Creating a parent welcoming committee to onboard new families and support transitions from elementary to middle and middle to high school

Provide new opportunities for community involvement to strengthen connections between the Richfield community and school.

- Creating partnerships with local businesses and organizations and/or connecting with local seniors and retirees
- Creating partnerships with local businesses to provide technology or other supports to RPS families
- Developing a formal partnership with the city to cross-promote and support issues affecting the city of Richfield and our schools
- Creating a structured volunteer program to engage more alumni, residents and family members as volunteers in the schools
- Hiring a district volunteer coordinator

Provide more variety of activity programs to cater to the needs and interests of all students.

- Celebrating multiculturalism and diversity through all activity offerings (e.g. choice of plays for the theatre, musical selections for band and choir, cultural representation in coach, advisor and volunteer positions, etc.)
- Creating more visual and performing arts opportunities
- Providing athletics for students of all abilities and skill levels
- Supporting student-led clubs and activities
- Offering more academic programs (like reading programs or homework help)
- Fostering greater partnerships with in-district programs (like Community Education)
- Developing partnerships with local organizations
- Incorporating student voice in the planning of new activities



Increase student participation in activity programs and better align the demographics of participating students with those of the overall student population.

- Creating an equitable fee system to support all students and families
- Adding more activity buses
- Better supporting students with disabilities so they can fully participate
- Getting feedback from students on what barriers exist in current programs

Increase attendance at games and performances to foster a greater sense of community.

- Marketing and promoting games and theater performances
- Increasing representation/attendance from staff
- Providing transportation to/from events

Ensure environmentally friendly practices are used across the District.

- Supporting a sustainable and environmentally conscious mindset
- Transitioning to fully reusable or compostable lunch utensils and other products
- Adding bike racks or bike lockers at schools
- Increasing student voice in environmental initiatives

**A New Graduate!
Richfield College Experience Program
January 2020**

Maintain or improve staff hiring and support.

- Ensuring an equity-focused onboarding process for new staff members that provides robust preparation for the real work RPS educators do
- Ensuring new staff share our District's equity-focused values by providing applicants the opportunity to share their views on diversity and inclusion in the interview process
- Filling vacant positions quickly and posting positions earlier
- Working to improve teacher retention, particularly for teachers who are Black, Indigenous or people of color (BIPOC)
- Hiring building subs
- Providing better compensation and support for subs
- Simplifying the application process
- Providing better support for paraprofessionals through professional development and higher pay
- Increasing professional development for office staff, outreach workers and admin assistants

Continuously improve our facilities to provide a comfortable and functional physical environment.

- Expanding accessibility for all people at all facilities
- Making parking lot improvements
- Increasing playground equipment at elementary schools
- Adding a soccer field and recreational spaces to school grounds
- Improving signage on the exterior and interior of buildings to help guide school visitors

Improve student meals to provide for students' nutritional needs.

- Adding more farm-to-table and locally sourced foods
- Adding student voice in menu planning and new recipes
- Making lunches free for all students or launching a fundraising campaign to eliminate student lunch debt through donations
- Reducing food waste
- Improving composting
- Eliminating social and cultural stigmas around eating school lunch



**Annual Read-A-Thon
Richfield Dual Language School
February 2020**

Continue to invest in technology resources for students, staff and families.

- Ensuring adequate funding for ongoing upgrades to technology
- Continuing to provide new, leading technology resources to prepare students for the 21st century (3D printers, video and audio recording equipment, software upgrades, etc.)
- Providing ongoing training for staff on new technology to ensure it is used effectively
- Offering regular training for parents on ways to support their children through technology (accessing the learning management system, etc.)

Maintain financial accountability and transparency as part of our responsibility to the community of Richfield.

- Creating easy to use tools for managers to monitor the up-to-date details of their budgets.

Improve transportation services to provide a welcoming atmosphere and access to opportunities.

- Examining and providing increased access to transportation for all students and families
- Providing racial equity training for bus drivers
- Increasing transparency around any possible exceptions for bus zoning
- Increasing consistency of rule enforcement on the bus
- Using student engagement specialists as bus support staff
- Exploring opportunities to expand transportation for off-site athletics and activities practices, games and performances

Improve family communication to strengthen the partnership between families and schools.

- Streamlining and standardizing communication tools across the District
- Offering workshops/events for families
- Improving parent communication from teachers, schools and the District
- Increasing communication with the Somali community
- Ensuring all communication is consistent and welcoming (including written communication, phone calls and in-person interactions)
- Increasing RPS presence at community events
- Building capacity in our families to successfully access and communicate through technology

Support the positive reputation of Richfield Public Schools.

- Sharing positive stories in the media, in community newsletters, on social media and on the District website
- Elevating all students in District marketing by equitably representing BIPOC, LGBTQA+, ELL/MLL, and SPED/504 students and issues

Work to increase enrollment.

- Improve marketing and public relations efforts to increase District enrollment



Loteria Night
February 2020



ECSE Class
November 2020



Graduation Day
June 2020

REVENUE & EXPENDITURE SUMMARY BY SOURCE, OBJECT SERIES & PROGRAM SERIES

RICHFIELD | December 31, 2020

			December	December	December							
				% of	% of							
	June 30, 2019	June 30, 2020	Revised Budget	Projected End Of Year	Received YTD	Budget Remaining	% of Budget Received	Actuals Received	Actuals Received	Current YTD vs. PYTD	December 31, 2019	December 31, 2018
REVENUE CATEGORIES												
STATE	46,183,093	45,674,569	46,150,048	44,965,986	11,279,408	34,870,640	24.44%	26.16%	26.23%	(670,428)	11,949,836	12,112,756
FEDERAL	2,098,367	2,834,495	2,825,786	4,281,557	1,711,489	1,114,297	60.57%	-0.08%	38.25%	1,713,889	(2,400)	802,722
PROPERTY TAXES	16,524,053	18,018,704	17,677,523	18,114,480	17,291,265	386,258	97.81%	99.37%	48.31%	(613,066)	17,904,331	7,983,435
LOCAL SALES, INS RECOVERY & JUDGEMENTS	107,155	130,566	49,200	276,503	251,790	(202,590)	511.77%	26.20%	56.23%	217,579	34,211	60,255
SALE OF BONDS & LOANS	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
INCOMING TRANSFERS FROM OTH FUNDS	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
LOCAL (FEES, INTEREST, ETC.)	1,510,830	1,284,111	1,141,544	970,871	272,280	869,264	23.85%	49.76%	34.85%	(366,646)	638,926	526,499
TOTALS	66,423,498	67,942,444	67,844,101	68,609,397	30,806,232	37,037,869	45.41%	44.93%	32.35%	281,328	30,524,904	21,485,668

			December	December	December							
				% of	% of							
	June 30, 2019	June 30, 2020	Revised Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	Actuals Expended	Actuals Expended	Current YTD vs. PYTD	December 31, 2019	December 31, 2018
EXPENDITURES (OBJECT SERIES)												
SALARIES & WAGES	37,176,269	36,586,619	39,444,694	38,243,520	13,656,701	25,787,993	34.62%	37.87%	37.73%	(196,903)	13,853,605	14,026,782
EMPLOYEE BENEFITS	13,518,960	13,190,108	14,082,908	14,059,870	5,334,772	8,748,136	37.88%	42.25%	40.21%	(237,667)	5,572,438	5,436,557
PURCHASED SERVICES	8,173,259	8,325,304	10,572,928	9,519,065	3,284,334	7,288,594	31.06%	41.77%	41.61%	(192,799)	3,477,132	3,401,025
SUPPLIES	2,525,553	2,632,033	2,621,643	3,307,448	1,963,842	657,801	74.91%	53.86%	50.06%	546,154	1,417,688	1,264,225
EQUIPMENT	2,581,571	2,313,465	2,268,375	3,355,104	2,516,357	(247,982)	110.93%	80.89%	77.30%	644,931	1,871,427	1,995,495
DEBT SERVICE	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
OTHER EXPENDITURES	315,303	412,717	391,858	357,092	56,782	335,076	14.49%	17.45%	23.78%	(15,228)	72,010	74,972
OTHER FINANCING USES	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
TOTALS	64,290,915	63,460,246	69,382,406	68,842,099	26,812,789	42,569,617	38.64%	41.39%	40.75%	548,488	26,264,301	26,199,057

			December	December	December							
				% of	% of							
	June 30, 2019	June 30, 2020	Revised Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	Actuals Expended	Actuals Expended	Current YTD vs. PYTD	December 31, 2019	December 31, 2018
EXPENDITURES (PROGRAM SERIES)												
SITE ADMINISTRATION	1,853,501	1,960,813	1,940,283	1,940,143	903,964	1,036,319	46.59%	51.13%	49.39%	(98,512)	1,002,477	915,402
DISTRICT ADMINISTRATION	2,114,434	2,060,508	2,294,312	2,463,452	1,167,541	1,126,771	50.89%	46.28%	45.90%	213,957	953,584	970,566
SUPPORT SERVICES	2,138,022	2,214,338	1,980,877	2,376,252	1,340,549	640,328	67.67%	59.10%	60.23%	31,973	1,308,576	1,287,648
REGULAR INSTRUCTION	27,926,936	26,944,471	29,136,919	28,426,105	9,536,268	19,600,651	32.73%	36.29%	35.02%	(242,102)	9,778,370	9,778,670
EXTRA-CURRICULAR ACTIVITES	1,029,765	979,957	1,030,839	946,587	345,895	684,944	33.55%	48.95%	46.75%	(133,784)	479,679	481,413
VOCATIONAL INSTRUCTION	473,959	446,106	458,424	480,174	184,039	274,385	40.15%	34.87%	33.72%	28,461	155,578	159,820
SPECIAL EDUCATION	12,130,842	12,270,481	12,911,323	12,399,189	4,327,778	8,583,545	33.52%	36.66%	36.66%	(170,946)	4,498,725	4,446,925
COMMUNITY SERVICES	0	65,126	0	154	154	(154)	0.00%	0.00%	0.00%	154	0	0
INSTRUCTIONAL SUPPORT	4,549,255	4,727,289	5,016,573	5,208,004	2,607,770	2,408,803	51.98%	61.16%	64.28%	(283,319)	2,891,089	2,924,136
PUPIL SUPPORT SERVICES	6,291,515	6,626,336	7,060,788	6,597,209	2,496,528	4,564,260	35.36%	42.53%	40.91%	(321,622)	2,818,150	2,573,832
FACILITIES	5,559,412	4,893,517	7,312,738	7,714,641	3,609,855	3,702,883	49.36%	43.94%	43.84%	1,459,436	2,150,419	2,437,370
OTHER FINANCING USES	223,275	271,303	239,330	290,189	292,447	(53,117)	122.19%	83.91%	100.00%	64,793	227,654	223,275
TOTALS	64,290,915	63,460,246	69,382,406	68,842,099	26,812,789	42,569,617	38.64%	41.39%	40.75%	548,488	26,264,301	26,199,057

REVENUE & EXPENDITURE SUMMARY BY SOURCE, OBJECT SERIES & PROGRAM SERIES

RICHFIELD | December 31, 2020

ACTIVITY - OTHER FUNDS							December	December	December			
							% of	% of	% of			
	June 30, 2019	June 30, 2020	Revised Budget	Projected End Of Year	Received YTD	Budget Remaining	% of Budget Received	% of Actuals Received	% of Actuals Received	Current YTD vs. PYTD	December 31, 2019	December 31, 2018
REVENUE												
FOOD SERVICE	2,838,335	2,684,713	2,860,640	2,495,151	640,657	2,219,983	22.40%	35.14%	36.75%	(302,792)	943,449	1,042,950
COMMUNITY EDUCATION	1,942,646	1,957,664	2,164,377	2,424,319	1,206,261	958,116	55.73%	54.34%	35.10%	142,416	1,063,845	681,914
CONSTRUCTION	3,044,448	2,184,625	925,000	836,115	(120,712)	1,045,712	-13.05%	-24.96%	15.10%	424,679	(545,391)	459,789
DEBT SERVICE	8,713,849	8,469,549	7,687,393	7,778,023	7,560,437	126,956	98.35%	99.21%	51.26%	(842,273)	8,402,710	4,467,029
TRUST	48,199	0	46,500	34,941	31,784	14,716	68.35%	0.00%	76.91%	(8,120)	39,904	37,069
CUSTODIAL	0	8,908	0	7	7	(7)	0.00%	0.00%	0.00%	7	0	0
INTERNAL SERVICE	7,849,043	7,722,748	7,765,500	6,791,978	2,129,756	5,635,744	27.43%	37.73%	36.46%	(783,859)	2,913,615	2,861,839
OPEB REVOCABLE TRUST	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
OPEB IRREVOCABLE TRUST	203,285	247,051	70,000	46,072	(27,898)	97,898	-39.85%	-39.90%	33.99%	70,682	(98,580)	69,105
OPEB DEBT SERVICE	786,209	811,277	2,137,877	2,278,507	2,104,163	33,714	98.42%	99.76%	22.78%	1,294,793	809,370	179,104
TOTALS	25,426,013	24,086,536	23,657,287	22,685,111	13,524,453	10,132,834	57.17%	56.17%	38.54%	(4,467)	13,528,920	9,798,799
							December	December	December			
							31, 2020	31, 2019	31, 2018			
	June 30, 2019	June 30, 2020	Revised Budget	Projected End Of Year	Expended YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	Current YTD vs. PYTD	December 31, 2019	December 31, 2018
EXPENDITURES												
FOOD SERVICE	2,736,818	2,980,090	2,819,342	2,642,246	996,140	1,823,202	35.33%	42.80%	43.14%	(279,456)	1,275,596	1,180,647
COMMUNITY EDUCATION	1,888,985	1,941,755	2,070,408	2,105,512	913,842	1,156,566	44.14%	44.25%	44.45%	54,600	859,243	839,712
CONSTRUCTION	13,650,859	65,066,268	38,530,269	43,247,092	21,892,296	16,637,973	56.82%	50.42%	17.23%	(10,915,643)	32,807,939	2,352,058
DEBT SERVICE	7,967,443	8,105,988	7,245,988	6,022,992	2,397,869	4,848,119	33.09%	30.27%	26.99%	(55,600)	2,453,469	2,150,149
TRUST	41,908	0	46,500	22,518	33,171	13,329	71.34%	0.00%	101.61%	(14,380)	47,551	42,584
CUSTODIAL	0	13,551	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
INTERNAL SERVICE	7,471,090	7,047,734	7,891,634	7,410,148	3,435,713	4,455,921	43.54%	55.54%	51.10%	(478,476)	3,914,189	3,817,944
OPEB REVOCABLE TRUST	0	0	0	0	0	0	0.00%	0.00%	0.00%	0	0	0
OPEB IRREVOCABLE TRUST	498,893	816,085	735,000	735,000	0	735,000	0.00%	0.00%	0.00%	0	0	0
OPEB DEBT SERVICE	789,125	783,025	2,021,800	2,022,934	198,625	1,823,175	9.82%	26.08%	26.59%	(5,625)	204,250	209,800
TOTALS	35,045,121	86,754,495	61,360,941	64,208,443	29,867,656	31,493,285	48.68%	47.91%	30.23%	(11,694,579)	41,562,236	10,592,893
							December	December	December			
							31, 2020	31, 2019	31, 2018			
	June 30, 2019	June 30, 2020	Revised Budget	Projected End Of Year	YTD	Budget Remaining	% of Budget Expended	% of Actuals Expended	% of Actuals Expended	Current YTD vs. PYTD	December 31, 2019	December 31, 2018
SUMMARY												
REVENUE	91,849,511	92,028,981	91,501,388	91,294,507	44,330,685	47,170,703	48.45%	47.87%	34.06%	276,861	44,053,824	31,284,467
EXPENDITURES	99,336,035	150,214,740	130,743,347	133,050,542	56,680,445	74,062,902	43.35%	45.15%	37.04%	(11,146,091)	67,826,536	36,791,950
SPENDING VARIANCE	(7,486,525)	(58,185,760)	(39,241,959)	(41,756,034)	(12,349,760)	N/A	N/A	N/A	N/A	11,422,952	(23,772,712)	(5,507,483)

FUND	CHECK	DATE	VENDOR	TYPE	AMOUNT
01	299770	12/17/2020	ALL STATE COMMUNICATIONS INC	R	1,535.00
01	299771	12/17/2020	ALLSTATE LEASING	R	1,428.00
01	299772	12/17/2020	BLUE CROSS BLUE SHIELD OF MINNESOTA	R	1,760.50
01	299773	12/17/2020	BRAND FARMS	R	700.00
01	299774	12/17/2020	BSN SPORTS, LLC	R	4,789.70
01	299775	12/17/2020	CARQUEST AUTO PARTS	R	167.04
01	299776	12/17/2020	CATALYST BUYING GROUP LLC	R	189.99
01	299777	12/17/2020	CENTURYLINK	R	71.00
01	299778	12/17/2020	CINTAS CORPORATION NO 2	R	107.96
01	299779	12/17/2020	CITY OF RICHFIELD	R	10,013.12
01	299780	12/17/2020	COMCAST BUSINESS	R	529.74
01	299781	12/17/2020	COMMERCIAL KITCHEN	R	258.75
01	299782	12/17/2020	CUB FOODS	R	25.18
01	299783	12/17/2020	DARK KNIGHT SOLUTIONS, LLC	R	350.00
01	299784	12/17/2020	DISTRIBUTIVE EDUCATION CLUBS	R	260.00
01	299785	12/17/2020	DEPARTMENT OF HUMAN SERVICES	R	719.00
01	299786	12/17/2020	DIGI INTERNATIONAL, INC.	R	330.00
01	299787	12/17/2020	DIGITAL INSURANCE LLC	R	3,537.00
01	299788	12/17/2020	PURCHASE POWER	R	4,800.00
01	299789	12/17/2020	ECM PUBLISHERS INC	R	743.75
01	299790	12/17/2020	ECOLAB INC	R	455.24
01	299791	12/17/2020	EDUCATORS BENEFIT CONSULTANTS LLC	R	426.99
01	299792	12/17/2020	EVERYDAY SPEECH LLC	R	299.99
01	299793	12/17/2020	FASTENAL INDUSTRIAL	R	15.79
01	299794	12/17/2020	FLOW HOCKEY	R	3,554.00
01	299795	12/17/2020	WW GRAINGER INC	R	317.22
01	299796	12/17/2020	H BROOKS AND COMPANY LLC	R	985.94
01	299797	12/17/2020	HERITAGE CRYSTAL CLEAN INC	R	361.40
01	299798	12/17/2020	HILLYARD	R	266.68
01	299799	12/17/2020	HOPE CHURCH	R	14,338.47
01	299800	12/17/2020	IIX INSURANCE INFORMATION EXCHANGE	R	68.15
01	299801	12/17/2020	INSTITUTE FOR ENVIROMENTAL	R	7,141.44
01	299803	12/17/2020	INTERMEDIATE DISTRICT 287	R	1,114,243.70
01	299804	12/17/2020	LAKE COUNTRY SCALE WORKS INC	R	293.00
01	299805	12/17/2020	LARSON JUDI	R	36.06
01	299806	12/17/2020	LEARNING A-Z	R	131.54
01	299807	12/17/2020	MIDWEST BUS PARTS INC	R	1,035.34
01	299808	12/17/2020	MINUTEMAN PRESS-BLOOMINGTON	R	810.00
01	299809	12/17/2020	MSDSOONLINE	R	5,999.00
01	299810	12/17/2020	MULTILINGUAL WORD INC	R	2,975.00
01	299811	12/17/2020	NATALIE D RASMUSSEN	R	9,000.00
01	299812	12/17/2020	NILFISK, INC.	R	21,623.92
01	299813	12/17/2020	NOKOMIS SHOE SHOP	R	3,788.45
01	299814	12/17/2020	OCCUPATIONAL MEDICINE CONSULTANTS	R	75.00
01	299815	12/17/2020	PAN O GOLD BAKING CO	R	120.20
01	299816	12/17/2020	PARLAY IDEAS INC.	R	915.00
01	299817	12/17/2020	PITNEY BOWES GLOBAL FINANCIAL SVC	R	1,104.42
01	299818	12/17/2020	PLAINVIEW MILK PRODUCTS COOPERATIVE	R	5,591.45
01	299819	12/17/2020	PREMIUM WATERS INC	R	28.00

01	299820	12/17/2020	REACH COMMUNICATIONS, INC	R	4,805.00
01	299821	12/17/2020	RICHFIELD ICE ARENA	R	3,762.50
01	299822	12/17/2020	RODRIGUEZ EMBROIDERY INC	R	15,700.00
01	299823	12/17/2020	RUPP ANDERSON SQUIRES & WALDSPURGER	R	1,423.46
01	299824	12/17/2020	SCHOOL SPECIALTY INC	R	61.06
01	299825	12/17/2020	SCHUMACHER ELEVATOR COMPANY	R	747.00
01	299826	12/17/2020	SHERWIN WILLIAMS CO	R	251.72
01	299827	12/17/2020	STRATEGIC STAFFING SOLUTIONS	R	3,920.00
01	299828	12/17/2020	TERREL'S TOOLBOX LLC	R	209.55
01	299829	12/17/2020	TYSON FOODS INC	R	1,474.65
01	299830	12/17/2020	TRIO SUPPLY COMPANY	R	474.33
01	299831	12/17/2020	UNITED HEALTHCARE	R	159.60
01	299832	12/17/2020	UNITED HEALTHCARE INSURANCE CO	R	479.54
01	299833	12/17/2020	UPPER LAKES FOODS	R	17,517.94
01	299834	12/17/2020	WOODROW MUSIC LLC	R	200.00
01	299835	12/17/2020	WORLD FUEL SERVICES, INC.	R	1,447.15
01	299836	12/17/2020	XCEL ENERGY	R	79.11
01	299837	12/17/2020	ZEP SALES & SERVICE	R	2,858.00
01	299838	12/17/2020	CINTAS	R	1,789.96
01	299839	12/17/2020	GREEN SCIENCE SOLUTIONS	R	4,098.00
01	V610468	12/17/2020	LISA M BAIRD	R	5.13
01	V610469	12/17/2020	TIA B CLASEN	R	1,000.00
01	V610470	12/17/2020	MELISSA E FINDLAY-LAMPKIN	R	78.96
01	V610471	12/17/2020	GRACE M JENNINGS	R	78.95
01	V610472	12/17/2020	JANICE JORENBY	R	70.00
01	V610473	12/17/2020	LISA A LEIKNES	R	83.95
01	V610474	12/17/2020	JULIE SABLE LENTZ	R	60.37
01	V610475	12/17/2020	SHERRI L MEDVEC	R	119.95
01	V610476	12/17/2020	LAURA B OTTERNESS	R	70.00
01	V610477	12/17/2020	TIMECKA MARIE SANCHEZ-MICHAELS	R	420.00
01	V610478	12/17/2020	DANE A SMITH	R	4.89
01	V610479	12/17/2020	NANCY J STACHEL	R	426.20
01	V610480	12/17/2020	PAULA J WASHINGTON	R	150.00
01	V610481	12/17/2020	KASYA L WILLHITE	R	75.00
01	299840	12/22/2020	ALL FURNITURE INC	R	871.38
01	299841	12/22/2020	AMERICAN DRAPERY SYSTEMS, INC.	R	410.00
01	299842	12/22/2020	BRAUN INTERTEC CORP	R	2,545.00
01	299843	12/22/2020	CORVAL CONSTRUCTION	R	463,999.22
01	299844	12/22/2020	ECM PUBLISHERS INC	R	160.65
01	299845	12/22/2020	ENVIROBATE, INC.	R	68,295.02
01	299846	12/22/2020	ICS CONSULTING, INC.	R	77,733.18
01	299847	12/22/2020	INSTITUTE FOR ENVIROMENTAL	R	11,434.75
01	299848	12/22/2020	LS BLACK CONSTRUCTORS, INC.	R	370,658.75
01	299849	12/22/2020	MID MINNESOTA STORAGE	R	180.00
01	299850	12/22/2020	PHILLIP HUCH	R	16,500.00
01	299851	12/22/2020	SHAW-LUNDQUIST ASSOCIATES, INC.	R	1,490,530.66
01	299852	12/22/2020	WOLD ARCHITECTS AND ENGINEERS	R	55,635.66
01	299853	12/22/2020	AIM ELECTRONICS INC	R	758.05
01	299854	12/22/2020	ALLIED PROFESSIONALS, INC.	R	952.00
01	299855	12/22/2020	ALLSTATE LEASING	R	714.00

01	299856	12/22/2020	AQUA LOGIC INC	R	64,994.46
01	299857	12/22/2020	PRESENTATIONS, INC.	R	670.50
01	299858	12/22/2020	ASPEN EQUIPMENT CO	R	596.17
01	299859	12/22/2020	BLUE CROSS BLUE SHIELD OF MINNESOTA	R	8,360.00
01	299860	12/22/2020	BRAND FARMS	R	700.00
01	299861	12/22/2020	BSI MECHANICAL, INC.	R	879.81
01	299862	12/22/2020	CARQUEST AUTO PARTS	R	677.31
01	299863	12/22/2020	CATALYST BUYING GROUP LLC	R	930.00
01	299864	12/22/2020	CINTAS CORPORATION NO 2	R	68.46
01	299865	12/22/2020	CITY OF RICHFIELD	R	500.00
01	299866	12/22/2020	CITY OF RICHFIELD	R	214.90
01	299867	12/22/2020	EASY PERMIT POSTAGE	R	2,020.64
01	299868	12/22/2020	ESCOBAR GENEAH J	R	103.50
01	299869	12/22/2020	FIREFLY COMPUTERS, LLC	R	18,348.80
01	299870	12/22/2020	FLICEK WELDING	R	9,600.00
01	299871	12/22/2020	GEORGAKOPOULOS, TESS	R	20.00
01	299872	12/22/2020	GOEBEL JUDITH K	R	250.00
01	299873	12/22/2020	H BROOKS AND COMPANY LLC	R	214.49
01	299874	12/22/2020	HAWKINS INC	R	2,353.74
01	299875	12/22/2020	HEALTHJOY LLC	R	10,653.50
01	299876	12/22/2020	HILLYARD	R	3,269.74
01	299877	12/22/2020	HOGAN ASSESSMENT SYSTEMS INC	R	1,650.00
01	299878	12/22/2020	HOGLUND BUS CO INC	R	317.29
01	299879	12/22/2020	HUBERT COMPANY, LLC	R	2,650.93
01	299880	12/22/2020	IDEAL ENERGIES LLC	R	992.09
01	299881	12/22/2020	JAYTECH, INC	R	42.62
01	299882	12/22/2020	KIDCREATE STUDIO	R	588.00
01	299883	12/22/2020	KINECT ENERGY INC	R	26,883.55
01	299884	12/22/2020	LEARNING A-Z	R	69.96
01	299885	12/22/2020	LIFETOUCH NATIONAL	R	514.92
01	299886	12/22/2020	LOFFLER	R	1,225.09
01	299887	12/22/2020	LOMAX CARLA	R	210.00
01	299888	12/22/2020	LS BLACK CONSTRUCTORS, INC.	R	76,313.19
01	299889	12/22/2020	MADISON NATIONAL LIFE INS CO INC	R	15,600.38
01	299890	12/22/2020	MATRIX COMMUNICATIONS INC	R	16,849.68
01	299891	12/22/2020	MCEA	R	240.00
01	299892	12/22/2020	MEYERS MELINDA	R	137.50
01	299893	12/22/2020	MIDWEST BUS PARTS INC	R	163.87
01	299894	12/22/2020	MN DEPT OF LABOR AND INDUSTRY	R	700.00
01	299895	12/22/2020	NILFISK, INC.	R	142,813.14
01	299896	12/22/2020	NORTH DAKOTA CHILD SUPPORT PYMT CNT	R	39.60
01	299897	12/22/2020	OCCUPATIONAL MEDICINE CONSULTANTS	R	150.00
01	299898	12/22/2020	PAN O GOLD BAKING CO	R	154.80
01	299899	12/22/2020	PREMIER LIGHTING INC	R	4,253.82
01	299900	12/22/2020	SCHMITT MUSIC CREDIT	R	35.00
01	299901	12/22/2020	SCHOOL SERVICE EMPLOYEES UNION	R	8,029.67
01	299902	12/22/2020	SCHUMACHER ELEVATOR COMPANY	R	3,528.76
01	299903	12/22/2020	STATE OF MINNESOTA	R	14,930.88
01	299904	12/22/2020	TOLL COMPANY	R	43.32
01	299905	12/22/2020	TRIO SUPPLY COMPANY	R	2,264.77

01	299906	12/22/2020	TRISTATE BOBCAT INC	R	3,500.00
01	299907	12/22/2020	UNITED STATES TREASURER	R	430.00
01	299908	12/22/2020	UPPER LAKES FOODS	R	22,068.27
01	299909	12/22/2020	XCEL ENERGY	R	675.96
01	299911	12/30/2020	AMAZON.COM SYNCB/AMAZON	R	5,278.36
01	299912	12/30/2020	BLUETARP FINANCIAL	R	74.95
01	299913	12/30/2020	BRINK'S INCORPORATED	R	1,355.76
01	299914	12/30/2020	CANON USA	R	4,038.49
01	299915	12/30/2020	CITY OF RICHFIELD	R	6,785.59
01	299916	12/30/2020	CITY OF RICHFIELD	R	1,000.00
01	299917	12/30/2020	CONTINENTAL RESEARCH CORP	R	980.45
01	299918	12/30/2020	DOOR SERVICE COMPANY OF THE TWIN CI	R	230.00
01	299919	12/30/2020	ECOLAB INC	R	948.63
01	299920	12/30/2020	EDUCATORS BENEFIT CONSULTANTS LLC	R	233.78
01	299921	12/30/2020	EMI AUDIO	R	250.00
01	299922	12/30/2020	EPIC SPORTS	R	150.00
01	299923	12/30/2020	ETTEL & FRANZ ROOFING CO	R	549.00
01	299924	12/30/2020	FASTENAL INDUSTRIAL	R	82.94
01	299925	12/30/2020	FLICEK WELDING	R	30,000.00
01	299926	12/30/2020	FURTHER	R	5,737.50
01	299927	12/30/2020	WW GRAINGER INC	R	85.80
01	299928	12/30/2020	H BROOKS AND COMPANY LLC	R	346.16
01	299929	12/30/2020	HENNEPIN COUNTY TREASURER	R	20.75
01	299930	12/30/2020	HERFF JONES INC	R	2,602.26
01	299931	12/30/2020	HOUSE OF PRINT	R	3,471.28
01	299932	12/30/2020	HR SIMPLIFIED INC.	R	600.00
01	299933	12/30/2020	INDOFF INC	R	255.94
01	299934	12/30/2020	INNOVATIVE OFFICE SOLUTIONS LLC	R	3,520.64
01	299935	12/30/2020	KAHOOT! AS	R	432.00
01	299936	12/30/2020	LARGEPRINTING.COM	R	12,546.25
01	299937	12/30/2020	LEARNING A-Z	R	131.54
01	299938	12/30/2020	MINNESOTA MEMORY, INC.	R	809.70
01	299939	12/30/2020	MINUTEMAN PRESS OF RICHFIELD	R	442.50
01	299940	12/30/2020	NATURAL PLAYGROUNDS SHOP, LLC	R	1,025.89
01	299941	12/30/2020	NORTHEAST METRO ISD 916	R	7,157.28
01	299942	12/30/2020	NUSS TRUCK & EQUIPMENT	R	2,300.00
01	299943	12/30/2020	PAN O GOLD BAKING CO	R	191.70
01	299944	12/30/2020	SHERWIN WILLIAMS CO	R	104.96
01	299945	12/30/2020	SPED FORMS INC	R	595.00
01	299946	12/30/2020	TERREL'S TOOLBOX LLC	R	286.98
01	299947	12/30/2020	TRIO SUPPLY COMPANY	R	692.16
01	299948	12/30/2020	TRISTATE BOBCAT INC	R	6,500.00
01	299949	12/30/2020	TURNITIN, LLC	R	3,845.00
01	299950	12/30/2020	TWIN CITY HARDWARE	R	285.00
01	299951	12/30/2020	UHL COMPANY INC	R	18,600.00
01	299952	12/30/2020	UPPER LAKES FOODS	R	9,088.84
01	299953	12/30/2020	VAIL RESORTS MANAGEMENT CO, INC.	R	378.00
01	299954	12/30/2020	VALLEY RICH CO INC	R	23,700.00
01	299955	12/30/2020	VELOCITY DRAIN SERVICES INC	R	2,495.00
01	299956	12/30/2020	VIG SOLUTIONS INC	R	8,480.00

01	299957	12/30/2020	VSP VISION SERVICE PLAN	R	3,029.91
01	299958	12/30/2020	XCEL ENERGY	R	43,283.64
01	299959	12/30/2020	ZIEGLER INC.	R	7,722.50
01	299960	12/30/2020	GROUP MEDICAREBLUE RX	R	6,493.00

TOTAL CHECKS, E-PAYS, CONSTRUCTION					4,556,505.62
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CHECK & E-PAY RUNS FOR 01/04/2021 BOARD REPORTS

BANK 05	DATE	AMOUNT
CHECKS	12/17/2020	1,283,887.73
	12/22/2020	475,917.13
	12/30/2020	229,215.13
BLESSED TRINITY CHECKS	12/17/2020	5,887.96
CONSTRUCTION CHECKS	12/22/2020	2,558,954.27
E-PAY	12/17/2020	2,643.40

CHECK REGISTER BANK 05 TOTAL =	4,556,505.62
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BREAKDOWN	
01-206-00	1,863,734.04
02-206-00	93,431.42
03-206-00	8,014.35
04-206-00	16,510.95
06-206-00	2,558,954.27
07-206-00	-
08-206-00	36.06
20-206-00	14,244.61
21-206-00	1,579.92
47-206-00	-
50-206-00	-
BANK TOTAL =	4,556,505.62

SUPERINTENDENT'S REPORT AND AGENDA

Organizational Meeting of the Board of Education
Independent School District No. 280, Richfield, Minnesota

Richfield Public Schools *inspires* and *empowers* each individual to learn, grow and *excel*

Monday, January 4, 2021
7:00 p.m. School Board Meeting

I. CALL TO ORDER OF THE BOARD ORGANIZATIONAL MEETING

The organizational meeting of the Board of Education of ISD 280, Hennepin County, Richfield, Minnesota was held on Monday, January 4, 2021 in a virtual format due to the current federal and state emergency declarations and guidance about limiting person-to-person contact because of the COVID-19 (coronavirus) pandemic. Chair Crystal Brakke called the Regular Board Meeting to order at 7:02 pm with the following school board members in attendance: Cole, Maleck, Pollis, Smisek, and Toensing.

Administrators present were Superintendent Unowsky, Executive Director Clarkson, Asst. Superintendent Daniels, and Chief HR & Admin Officer Holje.

A. Election of Chair Pollis

Nominated by Brakke, seconded by Toensing, and unanimously carried.

B. Election of Vice Chair Cole

Nominated by Maleck, seconded by Brakke, and unanimously carried.

C. Election of Clerk Maleck

Nominated by Toensing, seconded by Cole, and unanimously carried.

D. Election of Treasurer Smisek

Nominated by Maleck, seconded by Brakke, and unanimously carried.

II. REVIEW AND APPROVAL OF THE AGENDA

Motion by Maleck, seconded by Toensing, and unanimously carried, the Board of Education approved the amended agenda.

III. INFORMATION AND PROPOSALS -- NON-ACTION ITEMS

A. Superintendent Update

1. Pandemic & Learning Model Update
2. Community Education Presentation
3. Construction Update

IV. CONSENT AGENDA

Motion by Toensing, seconded by Cole, and unanimously carried, the Board of Education approved the consent agenda.

A. Routine Matters

1. Minutes of the regular meeting held December 21, 2020
2. General Disbursements as of 12/30/20 in the amount of \$4,556,505.62
3. Investment Holdings

B. Personnel Items

Certified Full Time Position for Employment – 3rd Year Probation

Suad Jama – Special Education Lead – CEC

Classified Full Time Position for Employment - Administrative and Management Support Professional

Michelle Gogue – 40 hr/wk – Administrative Assistant 3 –Transportation

Classified Full Time Position for Employment – Outreach Worker

Ally Astor-Ramirez – 40hr/wk – Health Resource Center Coordinator – DW

Classified Full Time Position for Employment - Facilities & Transportation

Elsa Cruz Esteva - 40 hr/wk – Building Cleaner – RDLS

Classified Part Time Resignation – Paraprofessional

Stacie Mahowald – 37.50 hrs/wk – Paraprofessional Health Aid – Centennial

Classified Part Time Resignation – Transportation

Roseabelle Shelton – 7 hr/day -Bus Driver – Transportation, effective 12/2/2020

Classified Part Time Retirement – Transportation

John Ashmead – 2 hr/day - Bus Driver – Transportation, effective 12/23/2020

V. OLD BUSINESS

A. Policy 407 - Leaves of Absence

Motion by Brakke, seconded by Maleck, and unanimously carried, the Board of Education approved the policy.

B. Policy 113 - Bullying Prohibition - third read

C. Policy 103 - Racial, Religious, and Sexual Harassment and Violence & Administrative Guideline 103.2 - second read

D. Legislative Platform

Motion by Brakke, seconded by Maleck, and unanimously carried, the Board of Education approved the platform.

VI. NEW BUSINESS

A. Policy 115 - Title IX - first read

B. Review 2020 Represent a School Assignments

C. Review 2020 Board Liaison Assignments

D. Set Honorarium for Board Members and Board Officers

Motion by Brakke, seconded by Maleck, and unanimously carried, the Board of Education approved the honorarium.

E. RHS Roof Project Bid Award

Motion by Maleck, seconded by Toensing, and unanimously carried, the Board of Education approved the bid award.

F. Pavement Project Bid Award

Motion by Toensing, seconded by Maleck, and unanimously carried, the Board of Education approved the bid award.

G. Central Construction Bid Award

Motion by Maleck, seconded by Smisek, and unanimously carried, the Board of Education approved the bid award.

H. Revised SRO Contract

Motion by Toensing, seconded by Brakke, and unanimously carried, the Board of Education approved the contract.

I. Donations

Motion by Maleck, seconded by Toensing, and unanimously carried, the Board of Education accepts the donations with gratitude.

VII. ADVANCE PLANNING

A. Legislative Update

B. Information and Questions from Board

C. Future Meeting Dates

Tuesday	1-19-2021	7:00 p.m.	Regular Board Meeting - Public Comment
	2-1-2021	7:00 p.m.	Regular Board Meeting

D. Suggested/Future Agenda Items

~~VIII. CLOSED SESSION AS ALLOWED BY MINNESOTA STATUTE 13D.03 FOR LABOR NEGOTIATIONS STRATEGY~~

~~IX. REOPEN MEETING~~

X. ADJOURN REGULAR MEETING

Chair Pollis adjourned the meeting at 10:07 pm.

FUND	CHECK	DATE	VENDOR	TYPE	AMOUNT
01	V2100796	01/04/2021	P-CARD KRETSINGER DAN	R	2,820.00
01	V2100797	01/04/2021	P-CARD MCGINN DAN	R	990.00
01	V2100798	01/04/2021	P-CARD BAIRD LISA	R	1,241.09
01	V2100799	01/04/2021	P-CARD BROWN MATTHEW	R	615.00
01	V2100800	01/04/2021	P-CARD BRUNNER PATTI	R	3,124.67
01	V2100801	01/04/2021	P-CARD BURT EMILY	R	245.64
01	V2100802	01/04/2021	P-CARD DINGMAN KRISTI	R	1,883.53
01	V2100803	01/04/2021	P-CARD FINDLEY LAMPKIN MELISSA	R	264.59
01	V2100804	01/04/2021	P-CARD FINKE RYAN	R	9.99
01	V2100805	01/04/2021	P-CARD GEURINK AREND	R	684.67
01	V2100806	01/04/2021	P-CARD HINES CARLONDREA	R	2,400.00
01	V2100807	01/04/2021	P-CARD KRETSINGER DAN	R	102.60
01	V2100808	01/04/2021	P-CARD LEWIS JENNIFER	R	35.99
01	V2100809	01/04/2021	P-CARD MACE CHRISTI JO	R	656.51
01	V2100810	01/04/2021	P-CARD MAHONEY COLLEEN	R	74.99
01	V2100811	01/04/2021	P-CARD MANNING MICHAEL	R	12.00
01	V2100812	01/04/2021	P-CARD MARYN ANGELA	R	2,464.96
01	V2100813	01/04/2021	P-CARD MCGINN DAN	R	443.32
01	V2100814	01/04/2021	P-CARD MCNAUGHTON COMMERS CAROLE	R	1,190.00
01	V2100815	01/04/2021	P-CARD POMERLEAU DORIS	R	39.10
01	V2100816	01/04/2021	P-CARD SHAHSAVAND MARTA	R	55.62
01	V2100817	01/04/2021	P-CARD STACHEL NANCY	R	402.90
01	V2100818	01/04/2021	P-CARD VALLEY JENNIFER	R	277.19
01	V2100819	01/04/2021	P-CARD WILLHITE KASYA	R	377.47
01	V2100820	01/04/2021	P-CARD WINTER AMY	R	779.36
01	299961	01/07/2021	DICK BLICK COMPANY	R	67.48
01	299962	01/07/2021	INNOVATIVE OFFICE SOLUTIONS LLC	R	19,130.24
01	299963	01/07/2021	ALLIED PROFESSIONALS, INC.	R	952.00
01	299964	01/07/2021	ALLSTATE LEASING	R	942.75
01	299965	01/07/2021	ARVIG ENTERPRISES INC	R	1,107.90
01	299966	01/07/2021	BRAEMAR MAILING SERVICE INC	R	148.80
01	299967	01/07/2021	BRAMBILLA'S LEASE SYSTEMS, INC	R	2,161.00
01	299968	01/07/2021	CAPTIVATE MEDIA & CONSULTING	R	1,240.00
01	299969	01/07/2021	CEL PUBLIC RELATIONS, INC.	R	1,650.00
01	299970	01/07/2021	CHESS & STRATEGY GAME ASSOCIATION	R	261.12
01	299971	01/07/2021	COMCAST	R	270.12
01	299972	01/07/2021	COMCAST BUSINESS	R	244.74
01	299973	01/07/2021	DARK KNIGHT SOLUTIONS, LLC	R	350.00
01	299974	01/07/2021	ECM PUBLISHERS INC	R	119.00
01	299975	01/07/2021	FIREFLY COMPUTERS, LLC	R	285.00
01	299976	01/07/2021	HENNEPIN COUNTY TREASURER	R	3,110.20
01	299977	01/07/2021	HILLYARD	R	7,765.00
01	299978	01/07/2021	JAMES E MARSHALL JR	R	20.00
01	299979	01/07/2021	KINECT ENERGY INC	R	515.00
01	299980	01/07/2021	LOFFLER COMPANIES	R	9,879.54
01	299981	01/07/2021	MSOPA	R	50.00
01	299982	01/07/2021	MULTILINGUAL WORD INC	R	3,366.75
01	299983	01/07/2021	NORTH DAKOTA CHILD SUPPORT PYMT CNT	R	39.60
01	299984	01/07/2021	REALITYWORKS, INC.	R	3,689.35

01	299985	01/07/2021	RYAN JEANNIE M	R	642.91
01	299986	01/07/2021	SFM	R	1,105.00
01	299987	01/07/2021	TAFFE SARAH ANN	R	8,165.60
01	299988	01/07/2021	THE RETROFIT COMPANIES, INC.	R	6,262.50
01	299989	01/07/2021	TWIN CITY TRANSPORTATION	R	284,853.51
01	299990	01/07/2021	VERIZON WIRELESS	R	508.21
01	299991	01/07/2021	VISUALZ	R	6,704.50
01	299992	01/07/2021	WINONA STATE UNIVERSITY	R	3,000.00
01	299993	01/07/2021	WOODBURN PRESS	R	70.40
01	299994	01/07/2021	XCEL ENERGY	R	5,132.33
01	V610482	01/07/2021	PHOEBE L ANDERSON	R	24.21
01	V610483	01/07/2021	SUE D BESSER	R	8.05
01	V610484	01/07/2021	MIRIAM A CASTRO SANJUAN	R	40.00
01	V610485	01/07/2021	PHIL N CEDER	R	40.00
01	V610486	01/07/2021	MARY L CLARKSON	R	70.00
01	V610487	01/07/2021	LATANYA R DANIELS	R	3,132.15
01	V610488	01/07/2021	GEORGE A DENNIS	R	35.00
01	V610489	01/07/2021	WM NATHAN EDWARDS	R	173.38
01	V610490	01/07/2021	SARAH M EGBERG	R	200.00
01	V610491	01/07/2021	JARED ELLERSON	R	70.00
01	V610492	01/07/2021	JUAN R FIGUEROA GARCIA	R	45.00
01	V610493	01/07/2021	RYAN D FINKE	R	70.00
01	V610494	01/07/2021	PETER J FITZPATRICK	R	40.00
01	V610495	01/07/2021	STEVEN T FLUCAS	R	70.00
01	V610496	01/07/2021	MICHAEL L FRANKENBERG	R	70.00
01	V610497	01/07/2021	RACHEL GENS	R	70.00
01	V610498	01/07/2021	AREND J GEURINK	R	70.00
01	V610499	01/07/2021	JAMES A GILLIGAN	R	70.00
01	V610500	01/07/2021	CHRISTINA M GONZALEZ	R	70.00
01	V610501	01/07/2021	KYLE L GUSTAFSON	R	40.00
01	V610502	01/07/2021	KEVIN D HARRIS	R	40.00
01	V610503	01/07/2021	JAMES L HILL	R	40.00
01	V610504	01/07/2021	CARLONDREA D HINES	R	70.00
01	V610505	01/07/2021	JESSICA M HOFFMAN	R	40.00
01	V610506	01/07/2021	CRAIG D HOLJE	R	70.00
01	V610507	01/07/2021	JANICE JORENBY	R	70.00
01	V610508	01/07/2021	CORY J KLINGE	R	70.00
01	V610509	01/07/2021	DANIEL E KRETSINGER	R	70.00
01	V610510	01/07/2021	ANOOP KUMAR	R	40.00
01	V610511	01/07/2021	RACHAEL G LENMARK	R	10.50
01	V610512	01/07/2021	COLLEEN M MAHONEY	R	70.00
01	V610513	01/07/2021	MICHAEL A MANNING	R	70.00
01	V610514	01/07/2021	DANIEL P MCGINN	R	40.00
01	V610515	01/07/2021	DOUG R MCMEEKIN	R	70.00
01	V610516	01/07/2021	CAROLE R MCNAUGHTON-COMMERS	R	70.00
01	V610517	01/07/2021	KENT D MEYER	R	70.00
01	V610518	01/07/2021	ALECIA M MOBLEY	R	70.00
01	V610519	01/07/2021	CHRISTINE M MUSCO	R	51.00
01	V610520	01/07/2021	LISA M NEGUS	R	70.00
01	V610521	01/07/2021	ERIN H NEILON	R	40.00

01	V610522	01/07/2021	DANA A NELSON	R	10.93
01	V610523	01/07/2021	ROBERT G OLSON	R	40.00
01	V610524	01/07/2021	LAURA B OTTERNESS	R	70.00
01	V610525	01/07/2021	MARK S PEDERSEN	R	40.00
01	V610526	01/07/2021	DENNIS E PETERSON	R	35.00
01	V610527	01/07/2021	CASSANDRA QUAM	R	70.00
01	V610528	01/07/2021	RENEE C REED-KARSTENS	R	40.00
01	V610529	01/07/2021	KEITH D RIEF	R	40.00
01	V610530	01/07/2021	TERESA L ROSEN	R	70.00
01	V610531	01/07/2021	MAUREEN E RUHLAND	R	40.00
01	V610532	01/07/2021	TIMECKA MARIE SANCHEZ-MICHAELS	R	70.00
01	V610533	01/07/2021	AMBER M SCHAUER	R	490.00
01	V610534	01/07/2021	MARTA I SHAHSAVAND	R	70.00
01	V610535	01/07/2021	DANE A SMITH	R	20.59
01	V610536	01/07/2021	NANCY J STACHEL	R	70.00
01	V610537	01/07/2021	MORGAN L STEELE	R	59.88
01	V610538	01/07/2021	PATRICK M SURE	R	40.00
01	V610539	01/07/2021	STACY THEIEN-COLLINS	R	70.00
01	V610540	01/07/2021	VLADIMIR S TOLEDO	R	40.00
01	V610541	01/07/2021	IAN D TOLENTINO	R	40.00
01	V610542	01/07/2021	STEVEN P UNOWSKY	R	270.00
01	V610543	01/07/2021	STEPHEN C URBANSKI	R	40.00
01	V610544	01/07/2021	CARRIE A VALA	R	70.00
01	V610545	01/07/2021	JENNIFER K VALLEY	R	70.00
01	V610546	01/07/2021	RYAN WAGNER	R	40.00
01	V610547	01/07/2021	REBECCA S WALD	R	40.00
01	V610548	01/07/2021	KASYA L WILLHITE	R	70.00
01	V610549	01/07/2021	AMY J WINTER AHSENMACHER	R	70.00
01	299995	01/12/2021	BLUE CROSS BLUE SHIELD OF MINNESOTA	R	1,760.50
01	299996	01/12/2021	CAPITAL ONE COMMERCIAL	R	112.90
01	299997	01/12/2021	CENTURYLINK	R	42.03
01	299998	01/12/2021	MUSIC IS ELEMENTARY	R	102.59

TOTAL CHECK, E-PAY & PCARD REGISTER

404,665.45

CHECK & E-PAY RUNS FOR 01/19/2021 BOARD REPORTS

BANK 05	DATE	AMOUNT
P-CARDS, DECEMBER 2020	1/4/2021	21,191.19
CHECKS	1/7/2021	354,612.83
CHECKS-Federal CARES Funding	1/7/2021	19,197.72
	1/12/2021	2,018.02
E-PAY	1/7/2021	7,645.69

CHECK REGISTER BANK 05 TOTAL =	404,665.45
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BREAKDOWN	
01-206-00	100,168.54
02-206-00	7,791.72
03-206-00	285,324.70
04-206-00	11,310.49
06-206-00	70.00
07-206-00	-
08-206-00	-
20-206-00	-
21-206-00	-
47-206-00	-
50-206-00	-
BANK TOTAL =	404,665.45

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: PERSONNEL ITEMS
(Recommended by Superintendent)

That the Board of Education approve the following personnel items:

Certified Full Time Request for Leave of Absence
Elizabeth Zehnpfennig – German Teacher – RHS

Certified Full Time Request for Retirement
Ruth Jamieson – MLL/ESL Teacher – Centennial

Mary Supple – Grade 6 – RMS

Classified Part Time Position For Employment – Nutrition Services
Lili Cuate Pliego – 5.5 hr/day Kitchen Assistant – RDLS

Classified Full Time Position for Employment – Nutrition Services
Sherri Medvec – 8 hr/day, Kitchen Manager – Sheridan Hills Elementary

Classified Part Time Resignation – Paraprofessional
Rebeka Holmberg – 6.5 hr/day – Sped Para

OLD BUSINESS – FOR ACTION

Agenda Item V.A.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: Bullying Prohibition

(Recommended by the Superintendent)

Passage upon a final read of Policy 113: Bullying Prohibition. This version of the policy has been updated for clarity, and the reporting form has been updated to align with Administrative Guideline 103.2 (Racial, Religious, and Sexual Harassment and Violence). Once the updated policy is approved, an online form will go live on the RPS website as an additional option for anyone wishing to report incidents of bullying.

Attachments:

Policy 113: Bullying Prohibition
Harassment, Violence, and Bullying Report Form
MSBA Model Policy 514: Bullying Prohibition

RICHFIELD -PUBLIC -SCHOOLS

BULLYING PROHIBITION POLICY

I. PURPOSE

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

II. DEFINITIONS

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

A. "Bullying" means repeated behavior by a student or a group of students that is intended to cause or is perceived as causing another student or a group of students to feel frightened, threatened, intimidated, humiliated, shamed, disgraced, ostracized, or physically abused. The bullying that is addressed in this policy is that which substantially interferes with the targeted student's or students' educational benefits, opportunities, or performance. Bullying implies an imbalance in real or perceived physical, social or psychological power. Bullying can occur via physical, verbal, social/relational, electronic or other forms of interactions or communication. Bullying includes, but is not limited to, repeated conduct by a student against another student or a group of students that a reasonable person under the circumstances knows or should know has the effect of:

1. Hurting another physically by hitting, kicking, tripping, or pushing;
2. Stealing or damaging another person's property;
3. Ganging up on another person;

4. Teasing another person in a hurtful way;

5. Calling another person hurtful names;

6. Using put-downs, such as insulting another person's race, making fun of another person because of their characteristics related to gender, or denigrating another person for other personal characteristics;

7. Isolating a person;

8. Spreading rumors or untruths about another person.

9. Intimidating a student or group of students.

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 web site or forum, transmitted through a computer, cell phone, or other electronic device.

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. "On school district property or at school-related functions" 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.

III. GENERAL STATEMENT OF POLICY

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

safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.

B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.

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

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

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

F. A person who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying maybe subject to discipline for that act in accordance with school district's policies and procedures. The school district may take into account the following factors in determining whether discipline is required and if so, the type and extent of discipline:

1. The developmental and maturity levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature of the behavior;
3. Past incidences or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school

district property and events and/or termination of services and/or contracts.

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

III. DEFINITIONS

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

A. ~~"Bullying" means repeated behavior by a student or a group of students that is intended to cause or is perceived as causing another student or a group of students to feel frightened, threatened, intimidated, humiliated, shamed, disgraced, ostracized, or physically abused. The bullying that is addressed in this policy is that which substantially interferes with the targeted student's or students' educational benefits, opportunities, or performance. Bullying implies an imbalance in physical, social or psychological power. Bullying can occur via physical, verbal, social/relational, electronic or other forms of interactions or communication. Bullying includes, but is not limited to, conduct by a student against another student or a group of students that a reasonable person under the circumstances knows or should know has the effect of:~~

- ~~1. Hurting another physically by hitting, kicking, tripping, or pushing;~~
- ~~2. Stealing or damaging another person's property;~~
- ~~3. Ganging up on another person;~~
- ~~4. Teasing another person in a hurtful way;~~
- ~~5. Calling another person hurtful names;~~
- ~~6. Using put-downs, such as insulting another person's race, making fun of another person because of their characteristics as a boy or girl, or denigrating another person for other personal characteristics;~~
- ~~7. Isolating a person;~~
- ~~8. Spreading rumors or untruths about another person.~~
- ~~9. Intimidating a student or group of students.~~

~~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 Web site or forum, transmitted through a computer, cell phone, or other electronic device.~~

~~C. "Immediately" means as soon as possible but in no event longer than 24 hours.~~

~~D. "On school district property or at school-related functions" 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.~~

IV. REPORTING PROCEDURE

A. Any person who believes ~~he or she~~they ~~has~~have been the victim of bullying or any other person (e.g. witness, parent, colleague) with knowledge or belief of conduct that may constitute bullying ~~shall~~is encouraged to report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct they believe to be bullying even if more than 24 hours have passed. A person may report bullying anonymously. However, the school district's ability to take action against an alleged ~~perpetrator~~bully based solely on an anonymous report may be limited.

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

C. The building principal, the principal's designee, or the building supervisor (hereinafter Building Report Taker) is the person responsible for receiving reports of bullying at the building level. Any person may report bullying directly to a school district human rights officer or the superintendent. If the complaint involves the Building Report Taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

1
2 D. A teacher, school administrator, volunteer, contractor, or other
3 school employee shall be particularly alert to possible situations,
4 circumstances, or events that might include bullying. Any such
5 person who receives a report of, observes, or has other knowledge
6 or belief of conduct that may constitute bullying shall inform the
7 Building Report Taker immediately. School district personnel who
8 fail to inform the Building Report Taker of conduct that may
9 constitute bullying in a timely manner may be subject to disciplinary
10 action.

11
12 E. Reports of bullying are classified as private educational and/or
13 personnel data and/or confidential investigative data and will not be
14 disclosed except as permitted by law.

15
16 F. Submission of a good faith complaint or report of bullying will not
17 affect the complainant's or reporter's future employment, grades, or
18 work assignments, or educational or work environment.

19
20 G. The school district will respect the privacy of the complainant(s),
21 the individual(s) against whom the complaint is filed, and the
22 witnesses as much as possible, consistent with the school district's
23 obligation to investigate, take appropriate action, and comply with
24 any legal disclosure obligations.

25
26
27 **V. STAFF EXPECTATIONS**

28
29 Teachers and staff at Richfield Public Schools are expected to take the
30 following actions in order to prevent bullying and help students feel safe at
31 school:

32
33 A. Closely supervise students in all areas of the school and
34 playground;

35
36 B. Watch for signs of bullying and stop it when it happens;

37
38 C. Respond quickly and sensitively to bullying reports using an
39 appropriate response process;

40
41 D. Report bullying to the Building Report Taker;

42
43 E. Notify the Building Report Taker when efforts to address the
44 bullying prove unsuccessful;

45
46 F. Help create a school culture of respect and kindness by
47 modeling and fostering these traits.

48
49 **VI. INVESTIGATION**
50

- 1 A. Upon receipt of a complaint or report of bullying, the school district
2 shall undertake or authorize an investigation by school district
3 officials or a third party designated by the school district within
4 three school days of the report. This process is overseen by the
5 Building Report Taker.
6
7 B. The Building Report Taker may take immediate steps, at their
8 discretion, to protect the complainant, reporter, students, or others
9 pending completion of an investigation of bullying, consistent with
10 applicable law.

11
12 **VII. SCHOOL DISTRICT ACTION**

- 13
14 A. Upon completion of the investigation, the school district will take
15 appropriate action. Such action may include, but is not limited to,
16 warning, suspension, exclusion, expulsion, transfer, remediation,
17 termination, or discharge. The primary purpose of such action is to
18 protect the student(s) who have been the target of bullying behavior
19 and to deter the prohibited behavior in the future. School district
20 action taken for violation of this policy will be consistent with the
21 requirements of applicable collective bargaining agreements;
22 applicable statutory authority, including the Minnesota Pupil Fair
23 Dismissal Act; school district policies; and regulations.
24
25 B. The school district is not authorized to disclose to a victim private
26 educational or personnel data regarding an alleged ~~perpetrator~~
27 bully who is a student or employee of the school district. School
28 officials will notify the parent(s) or guardian(s) of students involved
29 in a bullying incident of the incident and of action taken, to the
30 extent permitted by law.
31
32 C. Referral to Professional School Support Staff. A student who
33 violates this policy may be asked to meet with a school counselor
34 or other staff to work on positive behavioral interventions to help
35 prevent future violations.
36
37 D. Referral to available community resources. The involved students
38 and their parents will be given references to community resources
39 and support, as it is appropriate.
40
41 E. ~~Where appropriate for a child with a disability to prevent or respond~~
42 ~~to prohibited conduct, the child's Individualized Education Plan or~~
43 ~~Section 504 plan may address the skills and proficiencies the child~~
44 ~~needs to respond to, or not engage in the prohibited conduct.~~
45 Individualized Education Plans or Section 504 Plans may address
46 the skills and proficiencies needed for students with disabilities to
47 engage in positive behaviors and respond appropriately to
48 prohibited conduct.
49
50 G. Staff Consequences. A Richfield Public School employee who fails

to immediately and appropriately address bullying may be asked to participate in additional staff training, ~~or~~ may be mentored, or may be disciplined. A staff member's repeated failure to address bullying behavior may result in discipline up to and including termination or discharge.

VIII. REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

IX. TRAINING AND EDUCATION

- A. The school district annually will provide information and any applicable training to school district staff regarding this policy.
- B. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, appropriate reporting procedures for reporting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.
- C. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.
- D. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

X. NOTICE

The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.

Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)

Cross References: Policy 103 (Racial, Religious and Sexual Harassment and Violence)
Policy 108 (Hazing Prohibition)
Policy 111 (Weapons on School Premises)
Policy 409 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
Policy 410 (Mandated Reporting of Maltreatment of Vulnerable Adults)
Policy 505 (Student Disability Nondiscrimination)
Policy 506 (Student Sex Nondiscrimination)
Policy 541 (Student Behavior)
Policy 581 (Protection and Privacy of Pupil Records)
Policy 582 (Staff Notification of Violent Behavior by Students)
Policy 742 (Student Transportation Services)
Policy 783 (Video Surveillance)

~~ADOPTED-RATIFIED~~ BY THE BOARD OF EDUCATION: ~~—~~ July 16, 2007

REVISED BY THE BOARD OF EDUCATION: September 4, 2007; August 18, 2014; January 4, 2021

ATTENTION

**DISTRICT 280 ~~POLICY POLICIES~~ AGAINST
HARASSMENT, VIOLENCE AND BULLYING**

1. Everyone at District 280 has a right to feel respected and safe. Consequently, we want you to know about our ~~policy-policies~~ to prevent harassment, violence and bullying based upon any kind of legally protected classification.
2. A harasser may be a student or an adult. Harassment may include the following when related to race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law. ~~race, religion, sex, gender, marital status, disability, sexual orientation, or any other class protected under the law.~~
 - a. name calling, jokes or rumors;
 - b. pulling on clothing
 - c. graffiti;
 - d. notes or cartoons;
 - e. unwelcome touching of a person or clothing
 - f. offensive or graphic posters or book covers; or
 - g. any words or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.
3. If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the Human Rights Officer and Title IX Coordinator, Craig Holje.
4. You may also make a written report. It should be given to a teacher, counselor, the principal or the Human Rights Officer Title IX Coordinator.
5. Your right to privacy will be respected as much as possible.
6. We take seriously all reports of harassment or violence and will take all appropriate actions based on your report.
7. The School District will also take action if anyone tries to intimidate you or take action to harm you because you have reported.
8. This is a summary of the ~~School-school District-district policy-policies~~ against harassment, violence and bullying. Complete policies are available in the ~~Personnel-district~~ office upon request, or on the ~~District-district~~ website www.richfield.k12.mn.us.

**HARASSMENT, VIOLENCE- AND BULLYING AGAINST A PROTECTED CLASS ARE
AGAINST THE LAW.
DISCRIMINATION IS AGAINST THE LAW.**

CONTACT: CRAIG HOLJE
HUMAN RIGHTS OFFICER/TITLE IX COORDINATOR
7001 HARRIET AVENUE SOUTH
RICHFIELD, MN 55423
PHONE: 612-798-6031

RICHFIELD PUBLIC SCHOOL – I.S.D. #280
HARASSMENT, VIOLENCE AND BULLYING REPORT FORM

General Statement of Policy Prohibiting Harassment, Violence, and Bullying

Richfield Public Schools prohibits harassment, violence, discrimination and bullying in all forms, including but not limited to that which occurs on the basis of a person's actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law. ~~race, religion, national origin, sex/gender (including harassment based on gender identity and expression), marital status, disability, status with regard to public assistance, sexual orientation, age, family care leave status, veteran status, or any other status protected under the law.~~ If you or someone you know has experienced harassment, violence, discrimination, or bullying at school or at any school-related event for any reason, please complete this reporting form to have the incident(s) investigated by the District. Any student, parent/guardian, or district employee may complete this form and return it to any administrator.

Retaliation against any individual who makes a report or who participates or assists in an investigation of harassment, violence, discrimination, or bullying is strictly prohibited.

1. Preliminary Information

Date of Report: _____

Name of Person Making Report: _____

Daytime Phone _____ Email _____

2. Description of Incident:

Date of Alleged Incident(s) _____

Please provide the name(s) of all persons (including yourself, if applicable) who were the target of the harassment, discrimination, violence or bullying: _____

Please provide the name(s) and/or descriptions of all individuals (students, school employees, school visitors, or others) who engaged or participated in the alleged discrimination, harassment, or bullying (if known): _____

Where and when did the incident(s) occur (please be specific)? _____

List any witnesses who were present. _____

Detailed Description of Incident (Attach additional pages if necessary.) _____

By signing below, I am stating that all of the information I have provided is true, accurate, and complete to the best of my knowledge:

Complaint Signature

Date

Received by _____ Date _____

RICHFIELD PUBLIC SCHOOL - I.S.D. #280
HARASSMENT, VIOLENCE AND BULLYING
INVESTIGATION INTAKE AND REPORT FORM
(To be completed by appropriate administrator)

1. Investigation Summary

Date of Intake Review _____

Person Conducting Review: _____

2. Initial Category of Claim

_____ Harassment (Non-sexual) _____ School Related

_____ Violence _____ Outside of School Only

_____ Discrimination (Not on the basis of sex) _____ Electronic

Communication

_____ Bullying

_____ Other: _____ Sexual Harassment or Sex
Discrimination

3. Action(s) Recommended (check all that apply)

_____ Formal Investigation _____ Refer to Outside Agency

_____ Refer to Student Services Agency Name: _____

_____ Monitor

_____ Report to District Human Rights Officer Title IX Coordinator

_____ Contact Parent/Guardian

_____ Other: _____

Reason for determination of action recommended: _____

4. Formal Investigation Summary:

Please provide the name(s) of all persons interviewed as part of the investigation _____

Detailed Description of Incident (Attach additional pages if necessary.) _____

Final Action Taken (Attach additional pages if necessary.) _____

| _____
Received by

Date

Adopted: _____

MSBA/MASA Model Policy 514

Orig. 2003

Revised: _____

Rev. 2014

514 BULLYING PROHIBITION POLICY

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.

- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may take into account the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

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

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

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

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

III. DEFINITIONS

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

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

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

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

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

- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. "Student" means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE

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

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

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

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion,

expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (See MSBA/MASA Model Policy 506) and other applicable school district policies; and applicable regulations.

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

VI. RETALIATION OR REPRISAL

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

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur

during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

- B. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate

and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

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

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

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor

who regularly interacts with students at the time of initial employment with the school district.

- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

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

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

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

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

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: Harassment Prohibition

(Recommended by the Superintendent)

Passage upon a third read of Policy 103: Harassment Prohibition (formerly titled Racial, Religious, and Sexual Harassment and Violence). The policy and administrative guideline have been revised to reflect changes in statute and best practice. Once the updated policy is approved, an online form will go live on the RPS website as an additional option for anyone wishing to report incidents of harassment.

While this policy is mainly concerned with regulations and how issues are handled, RPS engages in a number of proactive steps to promote and support a harassment-free environment. RPS provides K-12 sexual harassment reduction teaching and curriculum integrated into the health curriculum. The district provides gender inclusion training and sex trafficking prevention training to staff. Additionally, RPS partners with the city and county to train and educate students and staff.

Attachments:

Policy 103: Harassment Prohibition - redlined

Administrative Guideline 103.1 - redlined

MSBA Model Policy 413: Harassment and Violence

MSBA Model Harassment and Violence Report Form

RICHFIELD PUBLIC SCHOOLS

**RACIAL, RELIGIOUS, AND SEXUAL HARASSMENT
PROHIBITION AND VIOLENCE POLICY**

HARASSMENT AND VIOLENCE

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law.

II. GENERAL STATEMENT OF POLICY

- A. ~~The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.~~ The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any other class protected under the law.
- B. A violation of this policy occurs when any pupil/student, teacher, administrator, or other school district personnel ~~of the school district harasses or inflicts, threatens to inflict, or attempts to inflict violence upon a pupil/student~~, teacher, administrator, or other school district personnel or group of pupils/students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, or disability, as defined by this policy. (For purposes of this policy, school district personnel includes: school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. ~~A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of the school district inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age,~~

Commented [CQ1]: Redundant

~~marital status, status with regard to public assistance, sexual orientation, disability, or any other class protected under the law.~~

- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law, and to discipline or take appropriate action against any ~~pupil~~student, teacher, administrator, or other school district personnel who is found to have violated this policy.

III. DEFINITIONS

A. "Assault" is:

1. an act done with intent to cause fear in another of ~~imminent~~ imminent bodily harm or death;
2. the intentional infliction of or attempt to inflict bodily harm upon another; or
3. the threat to do bodily harm to another with present ability to carry out the threat.

B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, and nonverbal behavior such as graphic and written statements, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications; Definitions

1. ~~"Disability": "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person~~
A person with a disability is any person who:

- a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

2. "Familial status" mean the condition of one or more minors being domiciled with:

- a. their parent or parents or the minor's legal guardian; or
- b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

3. "Gender identity or expression" includes the manner in which an individual expresses their gender and an individual's sense of being male, female, or otherwise on a continuum of gender.

4. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

5. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.

6. "Sex" includes, but is not limited to, gender assigned at birth, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

7. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation"

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does not include a physical or sexual attachment to children by an adult.

E. Racial Harassment/Violence; Definition

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1. Race-based harassment is intimidation or abusive behavior towards a student or employee based on perceived or actual race, color, creed or national origin that creates a hostile environment by interfering with or denying a student or employee's participation in or receipt of benefits, services, or opportunities in the schools' programs or employment.
2. Racial violence is a physical act or aggression or force, or threat thereof which is directed toward a student or employee based upon their perceived or actual race, color, creed, or national origin

F. Religious Harassment/Violence; Definition

1. Religion-based harassment is intimidation or abusive behavior toward a student or employee based on perceived or actual religious belief that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the schools' programs.
2. Religious violence is the threat of or an actual physical act of aggression or force which is directed toward a student or employee based upon their perceived or actual religion.

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- G. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

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H. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

- c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
2. Sexual harassment may include, but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - f. unwelcome behavior or words directed at an individual because of gender.

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F.I. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
 - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;

- b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
- d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

GJ. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law.

~~H. Racial, color, creed, or national origin harassment/violence~~

- ~~1. Intimidation or abusive behavior towards a student, employee based on perceived or actual race, color, creed or national origin, that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the schools' programs.~~
- ~~2. Racial violence is a physical act or aggression or force, or that thereof which is directed toward a student or employee based upon their perceived or actual race, color, creed, or national origin~~

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~~I. Religious harassment/violence~~

- ~~1. Intimidation or abusive behavior toward a student or employee based on perceived or actual religious belief that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the schools' programs.~~
- ~~2. Religious violence is the threat of or an actual physical act of aggression or force which is directed toward a student or employee based upon their perceived or actual religion.~~

IV. REPORTING PROCEDURES

- A. Any person who believes ~~he or she has~~they have been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with

regard to public assistance, sexual orientation, gender identity or expression, disability, or any other protected class, by a pupilstudent, teacher, administrator, or other school district personnel ~~of the school district~~, or any person (e.g., witness, parent, colleague) with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a studentpupil, teacher, administrator, or other school district personnel or group of pupilestudents, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy.

- B. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer, to the district's Title IX coordinator, or to the superintendent. The district has a Title IX policy and grievance procedure, and nothing in this policy shall prevent any person from reporting sexual harassment or violence in the manner specified by Policy 115: Title IX.
- D. In Each School Building. The building principal, the principal's designee, or the building/program supervisor (hereinafter Building Report Taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building/program level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the Building Report Taker immediately. If the complaint involves the Building Report Taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. School district personnel who fail to inform the Building Report Taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.
- E. Upon receipt of a report, the Building Report Taker must notify the school district human rights officer immediately, without screening or investigating the report. If the complaint only involves students, the Building Report Taker is designated to review the complaint, initiate the investigation and notify the school district human rights officer if the complaint includes allegations of sexual harassment or other potentially criminal allegations. The Building Report Taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Building Report Taker to the human rights officer. If the report was given verbally, the Building Report Taker

shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the Building Report Taker.

- F. In the District. The school board hereby designates Craig Holje, ~~Director of Human Resources and Administrative Services~~ Chief Human Resources and Administrative Officer as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. The school district human rights officer also serves as the district Title IX coordinator, and it is ultimately the responsibility of this individual to determine whether any allegations of sexual harassment fall under the purview of Policy 115: Title IX or under this policy and to proceed according to the correct policy. If the complaint involves ~~thea~~ human rights officer, the complaint shall be filed directly with the superintendent, and the superintendent shall then assume that responsibility.

~~G.~~ The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.

- ~~H.G.~~ Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited. Knowingly false accusations or reports of violence or harassment against another person are prohibited.

- ~~H.H.~~ Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. 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 legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. INVESTIGATION

- A. By authority of the school district, the human rights officer or Building Report Taker as appropriate, upon receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall immediately undertake or authorize any investigation that may be required to understand the facts of the situation. The investigation may be conducted by school district officials or by a third party designated by the school district.

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2 B. The investigation may consist of personal interviews with the
3 complainant, the individual(s) against whom the complaint is filed,
4 and others who may have knowledge of the alleged incident(s) or
5 circumstances giving rise to the complaint. The investigation may
6 also consist of any other methods and documents deemed
7 pertinent and necessary by the investigator.
8
9 C. In determining whether alleged conduct constitutes a violation of
10 this policy, the school district should consider the surrounding
11 circumstances, the nature of the behavior, past incidents or past or
12 continuing patterns of behavior, the relationships between the
13 parties involved, and the context in which the alleged incidents
14 occurred. Whether a particular action or incident constitutes a
15 violation of this policy requires a determination based on all the
16 facts and surrounding circumstances.
17
18 D. In addition, the school district may take immediate steps, at its
19 discretion, to protect the complainant, ~~pupils~~students, teachers,
20 administrators, or other school personnel pending completion of an
21 investigation of alleged harassment or violence prohibited by this
22 policy.
23
24 E. The investigation will be completed as soon as practicable. The
25 school district human rights officer or Building Report Taker shall
26 make a written report to the superintendent upon completion of a
27 formal investigation involving an employee or any complaint that
28 involves criminal allegations. The report for any complaint involving
29 students will be documented appropriately in the student
30 information system. If the complaint involves the superintendent,
31 the report may be filed directly with the school board. The report
32 shall include a determination of whether the allegations have been
33 substantiated as factual and whether they appear to be violations
34 of this policy. If no formal investigation was authorized by the
35 Human Rights Officer, ~~they~~he will ensure appropriate follow up with
36 the employee(s) or student(s) or other parties involved.
37

38 **VI. SCHOOL DISTRICT ACTION**
39

- 40 A. Upon completion of the investigation, the school district will take
41 appropriate action. Such action may include, but is not limited to,
42 warning, suspension, exclusion, expulsion, transfer, remediation,
43 termination, or discharge. School district action taken for violation
44 of this policy will be consistent with requirements of applicable
45 collective bargaining agreements, Minnesota and federal law, and
46 school district policies.
47
48 B. If requested, the result of the school district's investigation of each
49 complaint filed under these procedures will be reported orally or in

writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

VII. REPRISAL

The school district will discipline or take appropriate action against any ~~pupil~~ student, teacher, administrator, or other school personnel who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § ~~260E626.556~~ may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted in each school building in areas accessible to ~~pupils~~ students and staff members. It will be available on the District website.
- B. This policy shall be given to or access provided to the website containing the policy for each school district employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.

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

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

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)

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Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. § ~~260E626.556~~ ~~et seq.~~ (Reporting of Maltreatment of Minors)

20 U.S.C. § 1092 et seq. (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)

20 U.S.C. § 1400, et seq. (Individuals with Disabilities Education Improvement Act of 2004)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

34 C.F.R. Part 106 (Implementing Regulations of Title IX)

29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)

29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)

42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)

42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)

42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)

42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: Policy 102 (Equal Educational Opportunity)

Policy ~~403-113~~ (Bullying Prohibition Policy)

Policy 108 (Hazing Prohibition)

Policy 115 (Title IX)

Policy 111 (Weapons on School Premises)

Policy 402 (Equal Employment Opportunity)

Policy 403 (Disability Nondiscrimination)

Policy 409 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

Policy 410 (Mandated Reporting of Maltreatment of Vulnerable Adults)

Policy 412 (Public and Private Personnel Data)

Policy 505 (Student Disability Nondiscrimination)

Policy 506 (Student Sex Nondiscrimination)

Policy 541 (Student Behavior)

Policy 581 (Protection and Privacy of Pupil Records)

Policy 582 (Staff Notification of Violent Behavior by Students)

Policy 586 (Gender Inclusion)

Policy 742 (Student Transportation Services)

Policy 783 (Video Surveillance)

ADOPTED BY THE BOARD OF EDUCATION: January 18, 1994

REVIEWED BY THE BOARD OF EDUCATION: April 18, 2005

REVISED BY THE BOARD OF EDUCATION: December 7, 1999, January 22, 2002; March 17, 2003, June 17, 2008, August 18, 2014

RICHFIELD PUBLIC SCHOOLS

ADMINISTRATIVE GUIDELINES

**RACIAL, RELIGIOUS, AND SEXUAL HARASSMENT AND
VIOLENCE PROHIBITION POLICY**

The attached forms are to be used in the implementation of ~~the~~ Board Policy
103: ~~on~~ Racial, Religious, and Sexual Harassment and Violence. The first ~~form~~
page is for notification of the district's policy. ~~The second form page is a form~~
~~to be used in that may be used to~~ reporting an incident. The third page is an
intake form that may be used by the appropriate administrator.

Dated: January 18, 1994
Revised: December 7, 1999, March 17, 2003, August 18, 2014
Reviewed: January 22, 2002, April 18, 2005, June 17, 2008

ATTENTION

**DISTRICT 280 POLICY POLICIES AGAINST RACIAL, RELIGIOUS
AND SEXUAL HARASSMENT, HARASSMENT, AND VIOLENCE AND
BULLYING**

1. Everyone at District 280 has a right to feel respected and safe. Consequently, we want you to know about our ~~policy policies to prevent prohibit racial, religious, or sexual harassment and violence of any kind~~ harassment, violence and bullying based upon any kind of legally protected classification.

2. A harasser may be a student or an adult. Harassment may include the following when ~~related to~~ based on an individual's race, color, creed, religion, national origin, sex, age, gender, familial status, marital status, status with regard to public assistance, disability, or sexual orientation, gender identity or expression, or any other class protected under the law:

- a. name calling, jokes or rumors;
- b. pulling on clothing
- c. graffiti;
- d. notes or cartoons;
- e. unwelcome touching of a person or clothing
- f. offensive or graphic posters or book covers; or
- g. any words or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.

3. If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the Human Rights Officer and Title IX Coordinator, Craig Holje.

4. You may also make a written report. It should be given to a teacher, counselor, the principal or the Human Rights Officer Title IX Coordinator.

5. Your right to privacy will be respected as much as possible.

6. We take seriously all reports of ~~racial, religious or sexual~~ harassment, ~~or~~ violence or bullying and will take all appropriate actions based on your report.

7. The School District will also take action if anyone tries to intimidate you or take action to harm you because you have reported.

8. This is a summary of the School District ~~policy policies~~ against ~~racial, religious or sexual harassment and harassment~~, violence, and bullying. Complete policies are available in the ~~Personnel district~~ office upon request or on the district website: www.richfieldk12.mn.us.

**RACIAL, RELIGIOUS AND SEXUAL HARASSMENT,
AND VIOLENCE, AND BULLYING AGAINST A PROTECTED CLASS ARE AGAINST
THE LAW.**

DISCRIMINATION IS AGAINST THE LAW.

CONTACT: CRAIG HOLJE
HUMAN RIGHTS OFFICER TITLE IX COORDINATOR
7001 HARRIET AVENUE SOUTH

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RICHFIELD, MN 55423

PHONE: 612-798-6031

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~~INDEPENDENT SCHOOL DISTRICT NO. 280~~ RICHFIELD PUBLIC SCHOOLS – ISD
#280
RACIAL, RELIGIOUS OR SEXUAL HARASSMENT AND VIOLENCE AND
BULLYING
REPORT FORM

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~~General Statement of Policy~~ Policies Prohibiting Racial, Religious or Sexual
Harassment, Violence, and Bullying

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~~It is the policy of the Richfield Board of Education and Richfield Public Schools to take all appropriate measures to encourage, foster and maintain an educational and working environment where all individuals are treated with respect at all times and are not subjected or exposed to harassment or violence because of their race, religion, gender, or sexual orientation. Richfield Public Schools prohibits harassment, violence, discrimination and bullying in all forms, including but not limited to that which occurs on the basis of a person's actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law. If you or someone you know has experienced harassment, violence, discrimination, or bullying at school or at any school-related event for any reason, please complete this reporting form to have the incident(s) investigated by the District. Any student, parent/guardian, or district employee may complete this form and return it to any administrator.~~

~~Retaliation against any individual who makes a report or who participates or assists in an investigation of harassment, violence, discrimination, or bullying is strictly prohibited.~~

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Complaint _____
Home Address _____
Work Address _____
Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Circle as appropriate: ~~sexual~~ / ~~racial~~ / ~~religious~~

Name of person you believe harassed or was violent toward you or another person. _____

If the alleged harassment or violence was toward another person, identify that person. _____

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

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

List any witnesses who were present. _____

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

1. Preliminary Information

Date of Report: _____

Name of Person Making Report: _____

Daytime Phone _____

Email _____

2. Description of Incident:

Date of Alleged Incident(s) _____

Please provide the name(s) of all persons (including yourself, if applicable) who were the target of the harassment, discrimination, violence or bullying: _____

Please provide the name(s) and/or descriptions of all individuals (students, school employees, school visitors, or others) who engaged or participated in the alleged discrimination, harassment, or bullying (if known): _____

Where and when did the incident(s) occur (please be specific)? _____

List any witnesses who were present. _____

Detailed Description of Incident (Attach additional pages if necessary.) _____

By signing below, I am stating that all of the information I have provided is true, accurate, and complete to the best of my knowledge.

Complaint Signature _____

Date _____

Received by _____

Date _____

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Adopted: _____

MSBA/MASA Model Policy 413

Orig. 1995

Revised: _____

Rev. 2017

413 HARASSMENT AND VIOLENCE

[Note: State law (Minn. Stat. § 121A.03) requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act, Minn. Stat. Ch. 363A (MHRA). This policy complies with that statutory requirement and addresses the other classifications protected by the MHRA and/or federal law. While the recommendation is that school districts incorporate the other protected classifications, in addition to sex, religion, and race, into this policy, they are not specifically required to do so by Minn. Stat. § 121A.03. The Minnesota Department of Education (MDE) is required to maintain and make available a model sexual, religious, and racial harassment policy in accordance with Minn. Stat. § 121A.03. MDE's policy differs from that of MSBA and imposes greater requirements upon school districts than required by law. For that reason, MSBA recommends the adoption of its model policy by school districts. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]

I. PURPOSE

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

[Note: The Minnesota Human Rights Act defines "sexual orientation" to include "having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness." Minn. Stat. § 363A.03, Subd. 44.]

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's

race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, as defined by this policy. (For purposes of this policy, school district personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)

- C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.

III. DEFINITIONS

- A. "Assault" is:
 - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
 - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
 - 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability when the conduct:
 - 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.

7. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition
1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
 2. Sexual harassment may include, but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual’s employment or educational status;
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual’s employment or educational status; or

- f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence; Definition

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

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or

other remedial responses.

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

district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.¹

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

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

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

¹ In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

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

V. INVESTIGATION

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

VI. SCHOOL DISTRICT ACTION

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be

sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.

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

VII. RETALIATION OR REPRISAL

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

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.

- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal)

of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect
or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment
of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil
Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety
Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital
Status Nondiscrimination)

INDEPENDENT SCHOOL DISTRICT NO. _____
HARASSMENT AND VIOLENCE REPORT FORM

General Statement of Policy Prohibiting Harassment and Violence

Independent School District No. ____ maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

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

Date of Alleged Incident(s) _____

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation, including gender identity and expression \ disability

Name of person you believe harassed or was violent toward you or another person or group.

If the alleged harassment or violence was toward another person or group, identify that person or group. _____

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

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

List any witnesses that were present _____

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

(Complainant Signature)

(Date)

Received by _____

(Date)

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: Title IX Policy

(Recommended by the Superintendent)

A second read of the new policy.

While this policy is mainly concerned with regulations and how issues are handled, RPS engages in a number of proactive steps to promote and support a harassment-free environment. RPS provides K-12 sexual harassment reduction teaching and curriculum integrated into the health curriculum. The district provides gender inclusion training and sex trafficking prevention training to staff. Additionally, RPS partners with the city and county to train and educate students and staff.

Attachments:

Policy 115: Title IX - redlined

Harassment, Violence, and Bullying Report Form

MSBA Model Policy 522: Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process

MSBA Model Harassment and Violence Report Form

RICHFIELD PUBLIC SCHOOLS

TITLE IX POLICY

I. GENERAL STATEMENT OF POLICY

A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

D. Nothing in this policy shall prevent an individual from reporting harassment that does not fall under the category of sexual harassment as defined by Title IX. Other forms of harassment are prohibited by Policy 103 – Harassment Prohibition, which provides a separate reporting and investigation process from that which is defined in this policy.

E. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator is:

**CRAIG HOLJE, CHIEF HUMAN RESOURCES &
ADMINISTRATIVE OFFICER, 612-798-6031, 7001 HARRIET AVE
S, RICHFIELD MN.**

The Title IX coordinator also serves as the district human rights officer, and it is ultimately the responsibility of this individual to determine whether any allegations of sexual harassment fall under the purview of this policy or under Policy 103: Harassment Prohibition and to proceed according to the correct policy. If the complaint involves the human rights officer, the complaint shall be filed directly with the superintendent, and the superintendent shall then assume that responsibility.

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

- F. This policy applies to alleged violations of this policy occurring on or after August 14, 2020.

II. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- A. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- B. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- C. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment

against a respondent and requesting that the school district investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.

2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.

D. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

E. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

F. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

G. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

H. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:

1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of

the school district on an individual's participation in unwelcome sexual conduct);

2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

I. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.

J. "Title IX Personnel" means any person who addresses, works on, or assists with the school district's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. "Title IX Coordinator" means an employee of the school district that coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.

2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated

by the school district.

3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.
5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required. The district must make reasonable accommodations to the grievance process as necessary for individuals with disabilities.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent. As appropriate, the Title IX Coordinator may retain legal counsel to serve as unbiased Title IX Personnel.

2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

~~A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.~~

F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.

2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that

the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion,

transfer, remediation, termination, or discharge.

- 2.
- If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

IV. REPORTING PROHIBITED CONDUCT

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX

Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filling a formal complaint .

B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.

D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of this policy.

VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:

a. The school district undertakes an individualized safety and risk analysis;

b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and

c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including Policy 541 – Student Behavior. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school

district at the school district's discretion, but only after a formal complaint has been received by the school district.

B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.

D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

VIII. DISMISSAL OF A FORMAL COMPLAINT

A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven;
2. Did not occur in the school district's education program or activity; or
3. Did not occur against a person in the United States.

B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
2. The respondent is no longer enrolled or employed by the

school district; or

3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.

C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.

D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

IX. INVESTIGATION OF A FORMAL COMPLAINT

A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.

C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's

status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

X. DETERMINATION REGARDING RESPONSIBILITY

A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.

B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.

C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the school district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the

complainant; and

6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

F. The written determination of responsibility must be provided to the parties simultaneously.

G. The Title IX Coordinator is responsible for the effective implementation of any remedies.

H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XI. APPEALS

A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

XII. RETALIATION PROHIBITED

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.
- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIII. TRAINING

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:

1. The Title IX definition of sexual harassment;
2. The scope of the school district's education program or activity;
3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

XIV. DISSEMINATION OF POLICY

A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.

B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it

operates, and that it is required by Title IX not to discriminate in such a manner;

3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and

4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

XV. RECORDKEEPING

A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:

1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school district must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;

2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

Legal References:

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

Cross References:

Policy 102 (Equal Educational Opportunity)
Policy 103 (Harassment Prohibition Policy)
Policy 113 (Bullying Prohibition Policy)
Policy 402 (Equal Employment Opportunity)
Policy 506 (Student Sex Nondiscrimination)
Policy 541 (Student Behavior)
Policy 586 (Gender Inclusion)

RATIFIED BY THE BOARD OF EDUCATION:

ATTENTION

**DISTRICT 280 ~~POLICY POLICIES~~ AGAINST
HARASSMENT, VIOLENCE AND BULLYING**

1. Everyone at District 280 has a right to feel respected and safe. Consequently, we want you to know about our ~~policy-policies~~ to prevent harassment, violence and bullying based upon any kind of legally protected classification.
2. A harasser may be a student or an adult. Harassment may include the following when related to race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law. ~~race, religion, sex, gender, marital status, disability, sexual orientation, or any other class protected under the law.~~
 - a. name calling, jokes or rumors;
 - b. pulling on clothing
 - c. graffiti;
 - d. notes or cartoons;
 - e. unwelcome touching of a person or clothing
 - f. offensive or graphic posters or book covers; or
 - g. any words or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.
3. If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the Human Rights Officer and Title IX Coordinator, Craig Holje.
4. You may also make a written report. It should be given to a teacher, counselor, the principal or the Human Rights Officer Title IX Coordinator.
5. Your right to privacy will be respected as much as possible.
6. We take seriously all reports of harassment or violence and will take all appropriate actions based on your report.
7. The School District will also take action if anyone tries to intimidate you or take action to harm you because you have reported.
8. This is a summary of the ~~School-school District-district policy-policies~~ against harassment, violence and bullying. Complete policies are available in the ~~Personnel-district~~ office upon request, or on the ~~District-district~~ website www.richfield.k12.mn.us.

**HARASSMENT, VIOLENCE- AND BULLYING AGAINST A PROTECTED CLASS ARE
AGAINST THE LAW.
DISCRIMINATION IS AGAINST THE LAW.**

CONTACT: CRAIG HOLJE
HUMAN RIGHTS OFFICER/TITLE IX COORDINATOR
7001 HARRIET AVENUE SOUTH
RICHFIELD, MN 55423
PHONE: 612-798-6031

RICHFIELD PUBLIC SCHOOL – I.S.D. #280
HARASSMENT, VIOLENCE AND BULLYING REPORT FORM

General Statement of Policy Prohibiting Harassment, Violence, and Bullying

Richfield Public Schools prohibits harassment, violence, discrimination and bullying in all forms, including but not limited to that which occurs on the basis of a person's actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law. ~~race, religion, national origin, sex/gender (including harassment based on gender identity and expression), marital status, disability, status with regard to public assistance, sexual orientation, age, family care leave status, veteran status, or any other status protected under the law.~~ If you or someone you know has experienced harassment, violence, discrimination, or bullying at school or at any school-related event for any reason, please complete this reporting form to have the incident(s) investigated by the District. Any student, parent/guardian, or district employee may complete this form and return it to any administrator.

Retaliation against any individual who makes a report or who participates or assists in an investigation of harassment, violence, discrimination, or bullying is strictly prohibited.

1. Preliminary Information

Date of Report: _____
Name of Person Making Report: _____
Daytime Phone _____ Email _____

2. Description of Incident:

Date of Alleged Incident(s) _____

Please provide the name(s) of all persons (including yourself, if applicable) who were the target of the harassment, discrimination, violence or bullying: _____

Please provide the name(s) and/or descriptions of all individuals (students, school employees, school visitors, or others) who engaged or participated in the alleged discrimination, harassment, or bullying (if known): _____

Where and when did the incident(s) occur (please be specific)? _____

List any witnesses who were present. _____

Detailed Description of Incident (Attach additional pages if necessary.) _____

By signing below, I am stating that all of the information I have provided is true, accurate, and complete to the best of my knowledge:

Complaint Signature

Date

Received by _____

Date _____

RICHFIELD PUBLIC SCHOOL - I.S.D. #280
HARASSMENT, VIOLENCE AND BULLYING
INVESTIGATION INTAKE AND REPORT FORM
(To be completed by appropriate administrator)

1. Investigation Summary

Date of Intake Review _____

Person Conducting Review: _____

2. Initial Category of Claim

_____ Harassment (Non-sexual) _____ School Related

_____ Violence _____ Outside of School Only

_____ Discrimination (Not on the basis of sex) _____ Electronic

Communication

_____ Bullying

_____ Other: _____ Sexual Harassment or Sex
Discrimination

3. Action(s) Recommended (check all that apply)

_____ Formal Investigation _____ Refer to Outside Agency

_____ Refer to Student Services Agency Name: _____

_____ Monitor

_____ Report to District Human Rights Officer Title IX Coordinator

_____ Contact Parent/Guardian

_____ Other: _____

Reason for determination of action recommended: _____

4. Formal Investigation Summary:

Please provide the name(s) of all persons interviewed as part of the investigation _____

Detailed Description of Incident (Attach additional pages if necessary.) _____

Final Action Taken (Attach additional pages if necessary.) _____

| _____
Received by

Date

Adopted: _____

MSBA/MASA Model Policy 522

Orig. 1995

Revised: _____

Rev. 2020

522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 C.F.R. Part 106. These regulations, which go into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements.]

The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 C.F.R. § 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations].

I. GENERAL STATEMENT OF POLICY

- A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

[INSERT: NAME(S) TITLE(S) PHONE NUMBER(S) OFFICE ADDRESS(ES) EMAIL ADDRESS(ES)]

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

- E. The effective date of this policy is August 14, 2020 and applies to alleged violations of this policy occurring on or after August 14, 2020.

II. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- A. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- B. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- C. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
 2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- D. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- E. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- F. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- G. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- H. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
 2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).
- I. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
 - J. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
 1. “Title IX Coordinator” means an employee of the school district that coordinates the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
 2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
 3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
 4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as

the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

[NOTE: It is recommended that school districts designate a primary Title IX Coordinator and at least one alternate Title IX Coordinator so that the alternate can undertake Title IX Coordinator responsibilities in the event the primary Title IX Coordinator is a party to a complaint, or is otherwise not qualified under this policy to serve in that role in a particular case.]

III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid

credibility determinations based solely on a person's status as a complainant, respondent, or witness.

- C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

- D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

- E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

- F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice

will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

J. Timelines

[NOTE: The Title IX regulations require reasonably prompt timeframes for conclusion of the grievance process, but do not specify any particular timeframes. The time periods below are suggested. School districts may establish their own district-specific timeline, although it is recommended that legal counsel be consulted before adjusting time periods.]

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a

formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

IV. REPORTING PROHIBITED CONDUCT

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's

wishes is not clearly unreasonable in light of the known circumstances.

- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
 2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
 4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
 5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
 6. A copy of this policy.

VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
 - a. The school district undertakes an individualized safety and risk analysis;
 - b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
 - c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision

immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including MSBA Model Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

[NOTE: The interrelationship between the Title IX regulations authorizing the emergency removal of student and the Minnesota Pupil Fair Dismissal Act (MPFDA) is unclear at this time. School districts should consult with legal counsel regarding the emergency removal of a student. At a minimum, it is recommended that school districts provide alternative educational services, as defined in the MPFDA, to any student so removed under the Title IX regulations.]

B. Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under

which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

VIII. DISMISSAL OF A FORMAL COMPLAINT

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
 - 1. Would not meet the definition of sexual harassment, even if proven;
 - 2. Did not occur in the school district's education program or activity; or
 - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
 - 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
 - 2. The respondent is no longer enrolled or employed by the school district; or
 - 3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

[NOTE: For example, school districts are reminded of the obligation under Minn. Stat. § 122A.20, subd. 2, to make a mandatory report to PELSB concerning any teacher who resigns during the course of an investigation of misconduct.]

IX. INVESTIGATION OF A FORMAL COMPLAINT

- A. If a formal complaint is received by the School District, the school district will

assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

X. DETERMINATION REGARDING RESPONSIBILITY

[NOTE: The Title IX regulations do not require school districts to conduct live hearings as part of the decision-making phase of the grievance process. Accordingly, this Policy does not include procedures for a live hearing. If a school district desires to create such procedures, legal counsel should be consulted.]

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.

- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
 - 1. Identification of the allegations potentially constituting sexual harassment;
 - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - 3. Findings of fact supporting the determination;
 - 4. Conclusions regarding the application of the school district's code of conduct to the facts;
 - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
 - 6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the

school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XI. APPEALS

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
 - 1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
 - 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - 3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

XII. RETALIATION PROHIBITED

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex

discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIII. TRAINING

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
 - 1. The Title IX definition of sexual harassment;
 - 2. The scope of the school district's education program or activity;
 - 3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
 - 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
 - 5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
 - 6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training

materials available for public inspection upon request.

XIV. DISSEMINATION OF POLICY

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
 - 1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
 - 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
 - 3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
 - 4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

XV. RECORDKEEPING

[NOTE: School districts should consider amending their respective retention schedules to reflect the recordkeeping requirements discussed below].

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
 - 1. The basis for the school district's conclusion that its response to the report

or formal complaint was not deliberately indifferent;

2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school district must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital
Status Nondiscrimination)

INDEPENDENT SCHOOL DISTRICT NO. _____
HARASSMENT AND VIOLENCE REPORT FORM

General Statement of Policy Prohibiting Harassment and Violence

Independent School District No. ____ maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity and expression, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

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

Date of Alleged Incident(s) _____

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation, including gender identity and expression \ disability

Name of person you believe harassed or was violent toward you or another person or group.

If the alleged harassment or violence was toward another person or group, identify that person or group. _____

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

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

List any witnesses that were present _____

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

(Complainant Signature)

(Date)

Received by _____

(Date)

NEW BUSINESS – FOR REVIEW

Agenda Item VI.A.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: Protection & Privacy of Pupil Records

(Recommended by the Superintendent)

A first read of Policy 581: Protection and Privacy of Pupil Records and the accompanying guidelines.

Attachments:

Policy 581: Protection and Privacy of Pupil Records

Administrative Guideline 581.1

Administrative Guideline 581.2

Administrative Guideline 581.2 Additional Attachment

MSBA Model Policy 515: Protection and Privacy of Pupil Records

RICHFIELD PUBLIC SCHOOLS

PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. §1232g, et seq., (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and Minn. Rules Pts. 1205.0100 to 1205.2000.

III. DEFINITIONS

A. Dates of Attendance

Date of attendance, as referred to in Directory Information, means the period of time during which a student attends or attended a school or schools in the school district. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

B. Dependent student.

For purposes of this policy, a dependent student is the dependent of a taxpayer, who:

1. has the same principal place of abode as the taxpayer for more than half of the taxable year; and
2. has not provided over one half of his/her own support for the calendar year; and
3. has not attained the age of 24.

C. Directory information.

Directory information means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, name of school attended, dates of attendance, grade level, date of graduation, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, as well as photos/videotape (excluding security camera videos in schools and/or in school buses) for school approved publications, school news purposes, school video productions or local cable casts. It also includes name, address, and telephone number of the student's parent(s).

D. Education records.

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

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:

- (1) made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
- (2) made, maintained, or used only in connection with the provision of treatment to the student; and
- (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.

- e. Records that only contain information about an individual after he or she is no longer a student at the school district.

E. Eligible student.

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

F. Juvenile justice system.

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

G. Legitimate educational interest.

Legitimate educational interest includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student and student health and welfare. It includes a person's need to know in order to:

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

H. Parent.

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of

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

I. Personally identifiable.

Personally identifiable means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number; (e) a list of personal characteristics that would make the student's identity easily traceable; or (f) other information that would make the student's identity easily traceable.

J. Record.

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

K. Responsible authority.

Responsible authority: Craig Holje, Director of Personnel and Administrative Services (612-798-6031)

L. Student.

Student includes any individual who is or has been in attendance, enrolled or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district, and individuals who receive shared time educational services from the school district.

M. School official.

School official includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, an attorney or an auditor for the period of his or her performance as an employee or contractor; (e) application service provider in performance of necessary functions of data collection, maintenance and storage.

N. Summary data.

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

O. Other terms and phrases.

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

IV. GENERAL CLASSIFICATION

State law provides that all data collected, created, received or maintained by a school district is public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. §1232g and the regulations promulgated thereunder. Note: A subpoena does not suffice for release of educational data. The requesting party must produce a valid court order.

V. STATEMENT OF RIGHTS

A. Rights of parents and eligible students.

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

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
5. The right to be informed about rights under the federal law; and
6. The right to obtain a copy of this policy at the location set forth in the COPIES OF POLICY section of this policy.

1 B. Eligible students.

2
3 All rights and protections given parents under this policy transfer to the
4 student when he or she reaches eighteen (18) years of age or enrolls in an
5 institution of post-secondary education. The student then becomes an
6 "eligible student." However, the parents of an eligible student who is also a
7 "dependent student" are entitled to gain access to the educational records of
8 such student without first obtaining the consent of the student.
9

10
11 **VI. DISCLOSURE OF EDUCATION RECORDS**

12
13 A. Consent required for disclosure.

- 14
15 1. The school district shall obtain a signed and dated written consent of the
16 parent of a student or the eligible student before disclosing personally
17 identifiable information from the education records of the student, except
18 as provided herein.
19
20 2. The written consent required by this subdivision must be signed and
21 dated by the parent of the student or the eligible student giving the
22 consent and shall include:
23
24 a. a specification of the records to be disclosed;
25
26 b. the purpose or purposes of the disclosure;
27
28 c. the party or class of parties to whom the disclosure may be made;
29 and
30
31 d. if appropriate, a termination date for the consent.
32
33 3. When a disclosure is made under this subdivision:
34
35 a. if the parent or eligible student so requests, the school district shall
36 provide him or her with a copy of the records disclosed; and
37
38 b. if the parent of a student who is not an eligible student so requests,
39 the school district shall provide the student with a copy of the
40 records disclosed.
41
42 4. If the responsible authority seeks an individual's informed consent to the
43 release of private data to an insurer or the authorized representative of
44 an insurer, informed consent shall not be deemed to have been given
45 unless the statement is:
46
47 a. in plain language;
48
49 b. dated;
50

- c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- d. specific as to the nature of the information the subject is authorizing to be disclosed;
- e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- f. specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e, both at the time of the disclosure and at any time in the future; and
- g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

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

6. Eligible student consent.

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

B. Prior consent for disclosure not required.

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

1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. To officials of other schools or school districts in which the student seeks or intends to enroll. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon. Upon request, the school district will provide the parent or eligible student with a copy of the education records which have been transferred and provide an

1 opportunity for a hearing to challenge the content of those records in
2 accordance with the REQUEST TO AMEND RECORDS;
3 PROCEDURES TO CHALLENGE DATA section of this policy.
4

5 3. To authorized representatives of the Comptroller General of the United
6 States, the Secretary of the U.S. Department of Education, or an official
7 or employee of the Department of Education acting for the Secretary
8 under a delegation of authority, or the Commissioner of the State
9 Department of Education or his or her representative, subject to the
10 conditions relative to such disclosure provided under federal law;
11

12 4. In connection with financial aid for which a student has applied or has
13 received, if the information is necessary for such purposes as to:
14

15 a. determine eligibility for the aid;
16

17 b. determine the amount of the aid;
18

19 c. determine conditions for the aid; or
20

21 d. enforce the terms and conditions of the aid.
22

23 "Financial aid" for purposes of this provision means a payment of funds
24 provided to an individual or a payment in kind of tangible or intangible
25 property to the individual that is conditioned on the individual's
26 attendance at an educational agency or institution.
27

28 5. To state and local officials or authorities to whom such information is
29 specifically allowed to be reported or disclosed pursuant to state statute
30 adopted:
31

32 a. before November 19, 1974, if the allowed reporting or disclosure
33 concerns the juvenile justice system and such system's ability to
34 effectively serve the student whose records are released; or
35

36 b. after November 19, 1974, if the reporting or disclosure allowed by
37 state statute concerns the juvenile justice system and the system's
38 ability to effectively serve, prior to adjudication, the student whose
39 records are released, provided the officials and authorities to whom
40 the records are disclosed certify in writing to the school district that
41 the data will not be disclosed to any other party, except as provided
42 by state law, without the prior written consent of the parent of the
43 student. At a minimum, the school district shall disclose the
44 following information to the juvenile justice system under this
45 paragraph: a student's full name, home address, telephone
46 number, and date of birth; a student's school schedule, attendance
47 record, and photographs, if any; and parents' names, home
48 addresses, and telephone numbers.
49

6. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted. For purposes of this provision, the term "organizations" includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five years.
7. To accrediting organizations in order to carry out their accrediting functions;
8. To parents of a dependent student;
9. To comply with a judicial order provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order in advance of compliance therewith so that the parent or eligible student may seek protective action. In addition, if the school district initiates legal action against a parent or student and has made a reasonable effort to notify the parent or eligible student in advance of its use, it may disclose the student's education records that are relevant to the action to the court without a court order.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In addition, an educational agency or institution may include in the educational records of a student, appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student.
11. Information the school district has designated as "directory information" pursuant to the RELEASE OF DIRECTORY INFORMATION section of this policy.
12. To the parent of a student who is not an eligible student or to the student himself or herself.
13. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent

disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

14. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students.
15. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals.
16. To military recruiting officers, under the following circumstances. The school district shall release to military recruiting officers the names, addresses, and home telephone numbers of students in grades 11 and 12, within 60 days after the date of request for such data.

The school district shall give parents and students notice of the right to refuse release of this data to military recruiting officers, by publishing the notice in the Richfield Public Schools calendar and handbook, or by other means reasonably likely to inform the parents and students of the right. If a parent or eligible student objects to the release of this data to military recruiting officers, the data shall not be disclosed.

Parents or eligible students wishing to prevent the release of data to military recruiters must provide written notice to the school district that they do not want the school district to release the student's name, address, and/or home telephone number. Such notice must be provided to the school district within 30 days after the district disseminates its annual data practices notice, or by October 1 of each school year, whichever is later.

Data released to military recruiting officers under this subdivision may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and shall not be further disseminated to any other person except personnel of the recruiting services of the armed forces.

17. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;

- 1 b. the existence of the following information about a student, not the
2 actual data or other information contained in the student's
3 educational record, may be disclosed provided that a request for
4 access must be submitted on the statutory form and it must contain
5 an explanation of why access to the information is necessary to
6 serve the student: (1) use of a controlled substance, alcohol, or
7 tobacco; (2) assaultive or threatening conduct that could result in
8 dismissal from school under the Pupil Fair Dismissal Act; (3)
9 possession or use of weapons or look-alike weapons; (4) theft; or
10 (5) vandalism or other damage to property. Prior to releasing this
11 information, the principal or chief administrative officer of a school
12 who receives such a request must, to the extent permitted by
13 federal law, notify the student's parent or guardian by certified mail
14 of the request to disclose information. If the student's parent or
15 guardian notifies the school official of an objection to the disclosure
16 within ten (10) days of receiving certified notice, the school official
17 must not disclose the information and instead must inform the
18 requesting member of the juvenile justice system of the objection.
19 If no objection from the parent or guardian is received within
20 fourteen (14) days, the school official must respond to the request
21 for information.

22
23 The written requests of juvenile justice system member(s), as well
24 as a record of any release, must be maintained in the student's file.
25

- 26 18. To the principal where the student attends and to any counselor
27 directly supervising or reporting on the behavior or progress of the
28 student if it is information from a disposition order received by a
29 superintendent under Minn. Stat. §260B.171, Subd. 3. The
30 principal must notify the counselor immediately and must place the
31 disposition order in the student's permanent education record. The
32 principal also must notify immediately any teacher or administrator
33 who directly supervises or reports on the behavior or progress of
34 the student whom the principal believes needs the information to
35 work with the student in an appropriate manner, to avoid being
36 needlessly vulnerable, or to protect other persons from needless
37 vulnerability. The principal may also notify other school district
38 employees, substitutes, and volunteers who are in direct contact
39 with the student if the principal determines that these individuals
40 need the information to work with the student in an appropriate
41 manner, to avoid being needlessly vulnerable, or to protect other
42 persons from needless vulnerability. Such notices from the
43 principal must identify the student, outline the offense, and
44 described any conditions of probation about which the school must
45 provide information if this information is provided in the disposition
46 order. Disposition order information received is private educational
47 data received for the limited purpose of serving the educational
48 needs of the student and protecting students and staff. The
49 information may not be further disseminated by the counselor,
50 teacher, administrator, staff member, substitute, or volunteer

except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian.

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

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

VII. RELEASE OF DIRECTORY INFORMATION

A. Classification.

Directory information is public except as provided herein.

B. Former students.

1 The school district may disclose directory information from the education
2 records generated by it regarding an individual who is no longer in attendance
3 within the school district without meeting the requirements of Paragraph C of
4 this Section.

5
6 C. Present students and Parents.

7
8 The school district may disclose directory information from the education
9 records of a student and information regarding parents without prior written
10 consent of the parent of the student or eligible student, except as provided
11 herein. Prior to such disclosure the school district shall:

- 12
13 1. Annually, give public notice by any means that are reasonably likely to
14 inform the parents and eligible students of:
15
16 a. the types of personally identifiable information regarding students
17 and/or parents that the school district has designated as directory
18 information;
19
20 b. the parent's or eligible student's right to refuse to let the school
21 district designate any or all of those types of information about the
22 student and/or the parent as directory information; and
23
24 c. the period of time in which a parent or eligible student has to notify
25 the school district in writing that he or she does not want any or all
26 of those types of information about the student and/or the parent
27 designated as directory information.
28
29 2. Allow a reasonable period of time after such notice has been given for a
30 parent or eligible student to inform the school district, in writing, that any
31 or all of the information so designated should not be disclosed without
32 the parent's or eligible student's prior written consent, except as
33 provided in the DISCLOSURE OF EDUCATION RECORDS section of
34 this policy.

35
36
37 D. Procedure for obtaining nondisclosure of directory information.

38
39 The parent's or eligible student's written notice shall be directed to the
40 responsible authority and shall include the following:

- 41
42 1. Name of the student and/or parent, as appropriate;
43
44 2. Home address;
45
46 3. School presently attended by student;
47
48 4. Parent's legal relationship to student, if applicable; and
49

5. Specific categories of directory information to be made not public without the parent's or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration.

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private records.

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student subject of the data and the student's parent if the student is not an eligible student. The school district may not disclose private records or their contents except as summary data, or except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy, without the prior written consent of the parent or the eligible student.

B. Certain health records not accessible to parent.

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

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

- a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
- b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;

- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341 to 144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private records not accessible to student.

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

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential records.

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

B. Reports under the Maltreatment of Minors Reporting Act.

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The data subject, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

C. Investigative data.

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

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency or the public if the school district determines that such

access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.

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

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

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

XI. LIMITS ON REDISCLOSURE

A. Redisclosure.

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees and agents of any party receiving personally identifiable

information under this Section may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure not prohibited.

1. Subdivision A of this Section does not preclude the school district from disclosing personally identifiable information under the DISCLOSURE OF EDUCATION RECORDS section of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:

a. The disclosures meet the requirements of the DISCLOSURE OF EDUCATION RECORDS section of this policy; and

b. The school district has complied with the recordkeeping requirements of the RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING section of this policy.

2. Subdivision A of this section does not apply to disclosures made pursuant to court orders, to disclosures of directory information, or to disclosures to a parent or student.

C. Classification of disclosed data.

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

D. Notification.

The school district shall, except for disclosures made pursuant to court orders, disclosure of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or disclosures to a parent or student, inform the party to whom a disclosure is made of the requirements set forth in this Section. In the event that the Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

XII. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING

A. Responsible authority.

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

B. Record security.

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

5
6 C. Plan for securing student records.

7
8 The building principal shall submit to the responsible authority a written plan
9 for securing students records by September 1 of each school year. The
10 written plan shall contain the following information:

- 11
12 1. A description of records maintained;
13
14 2. Titles and addresses of person(s) responsible for the security of student
15 records;
16
17 3. Location of student records, by category, in the buildings;
18
19 4. Means of securing student records; and
20
21 5. Procedures for access and disclosure.
22

23 D. Review of written plan for securing student records.

24
25 The responsible authority shall review the plans submitted pursuant to
26 Paragraph C of this Section for compliance with the law, this policy and the
27 various administrative policies of the school district. The responsible authority
28 shall then promulgate a chart incorporating the provisions of Paragraph C
29 which shall be attached to and become a part of this policy.
30

31 E. Recordkeeping.

- 32
33 1. The principal shall, for each request for and each disclosure of
34 personally identifiable information from the education records of a
35 student, maintain a record with the education records of the student
36 which indicates:
37
38 a. the parties who have requested or received personally identifiable
39 information from the education records of the student; and
40
41 b. the legitimate interests these parties had in requesting or obtaining
42 the information;
43
44 2. In the event the school district discloses personally identifiable
45 information from an education record of a student pursuant to
46 Paragraph B of the LIMITS ON REDISCLOSURE section of this policy,
47 the record of disclosure required under this Section shall also include:
48
49 a. the names of the additional parties to which the receiving party may
50 disclose the information on behalf of the school district; and

- b. the legitimate interests under the DISCLOSURE OF EDUCATION RECORDS section of this policy which each of the additional parties has in requesting or obtaining the information.
3. Paragraph (1) of Recordkeeping does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Paragraph B1 of the DISCLOSURE OF EDUCATION RECORDS section of this policy, to requests for disclosures of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy.
4. The record of requests of disclosures may be inspected by:
 - a. the parent of the student or the eligible student;
 - b. the school official or his or her assistants who are responsible for the custody of the records; and
 - c. the parties authorized by law to audit the recordkeeping procedures of the school district.
5. The record of requests and disclosures shall be maintained with the education records of the student as long as the school district maintains the student's education records.

XIII. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

- A. Parent of a student, an eligible student or the parent of an eligible student who is also a dependent student.

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

- B. Response to request for access.

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

- C. Right to inspect and review.

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

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

D. Form of request.

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of student records.

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

F. Records containing information on more than one student.

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

G. Authority to inspect or review.

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

H. Fees for copies of records.

1. The school district shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school district shall consider the following:
 - a. the cost of materials, including paper, used to provide the copies;
 - b. the cost of the labor required to prepare the copies;
 - c. any schedule of standard copying charges established by the school district in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine based recordkeeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the charge shall be no more than 25 cents for each page copied.
3. The cost of providing copies shall be borne by the parent or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent the parent or eligible student from exercising their right to inspect or review the student's education records.
5. The school district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent as a convenience will be the actual search/retrieval and copying costs, as permitted by law, plus postage, if that is involved.

XIV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to amend education records.

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy or other rights of the student may request that the school district amend those records.

1. The request shall be in writing, shall identify the item the requester believes to be inaccurate, misleading or in violation of the privacy or

other rights of the student, shall state the reason for this belief, and shall specify the correction the requester wishes the school district to make. The request shall be signed and dated by the requester.

2. The school district shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time of receipt of the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B of this Section.

B. Right to a hearing.

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

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

C. Conduct of hearing.

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

D. Appeal.

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minn. Stat. Ch. 14 relating to contested cases.

XV. COMPLAINTS FOR NONCOMPLIANCE

A. Where to file complaints.

Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. §1232g, and the rules promulgated thereunder, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

B. Content of complaint.

A complaint filed pursuant to this Section must contain specific allegations of fact giving reasonable cause to believe that a violation of 20 U.S.C. §1232g and the rules promulgated thereunder has occurred.

XVI. WAIVER

1 A parent or eligible student may waive any of his or her rights provided herein
2 pursuant to 20 U.S.C. §1232g. A waiver shall not be valid unless in writing and
3 signed by the parent or eligible student. The school district may not require such a
4 waiver.
5

6
7 **XVII. ANNUAL NOTIFICATION OF RIGHTS**
8

9 A. Contents of notice.
10

11 The school district shall give parents of students currently in attendance and
12 eligible students currently in attendance annual notice by such means as are
13 reasonably likely to inform the parents and eligible students of the following:
14

- 15 1. That the parent or eligible student has a right to inspect and review the
16 student's education records and the procedure for inspecting and
17 reviewing education records;
18
- 19 2. That the parent or eligible student has a right to seek amendment of the
20 student's education records to ensure that those records are not
21 inaccurate, misleading, or otherwise in violation of the student's privacy
22 or other rights and the procedure for requesting amendment of records;
23
- 24 3. That the parent or eligible student has a right to consent to disclosures
25 of personally identifiable information contained in the student's
26 education records, except to the extent that federal and state law and
27 the regulations promulgated thereunder authorize disclosure without
28 consent;
29
- 30 4. That the parent or eligible student has a right to file a complaint with the
31 U.S. Department of Education regarding an alleged failure by the school
32 district to comply with the requirements of 20 U.S.C. §1232g, and the
33 rules promulgated thereunder;
34
- 35 5. The criteria for determining who constitutes a school official and what
36 constitutes a legitimate educational interest for purposes of disclosing
37 education records to other school officials whom the school district has
38 determined to have legitimate educational interests; and
39
- 40 6. That the school district forwards education records on request to a
41 school in which a student seeks or intends to enroll.
42

43 B. Notification to parents of students having a primary home language other
44 than English.
45

46 The school district shall provide for the need to effectively notify parents of
47 students identified as having a primary or home language other than English.
48

49 C. Notification to parents or eligible students who are disabled.
50

1 The school district shall provide for the need to effectively notify parents or
2 eligible students identified as disabled.
3
4

5 **XVIII. DESTRUCTION AND RETENTION OF RECORDS**
6

7 Destruction and retention of records by the school district shall be controlled by
8 state and federal law.
9

10 **XIX. COPIES OF POLICY**
11

12 Copies of this policy may be obtained by parents and eligible students at the office
13 of the Superintendent.
14
15
16

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.22 (Compulsory Instruction Dismissal Act)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Rules Pts. 1205.0100-1205.2000
20 U.S.C. Sec. 1232g et. seq. (Family Educational Rights and Privacy Act)
26 U.S.C. Sec. 1152 (Internal Revenue Code)
34 C.F.R. Secs. 99.1-99.67

Cross-References:

MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records-Privacy-Access to Data)
Board Policy/Guidelines 541 - Guidelines for Student Behavior

ADOPTED BY THE BOARD OF EDUCATION: March 5, 2001

REVISED BY THE BOARD OF EDUCATION: November 19, 2001, December 20, 2004, July 17, 2006

RICHFIELD PUBLIC SCHOOLS

ADMINISTRATIVE GUIDELINES

ACCESS TO PUPIL RECORDS BY SCHOOL VOLUNTEERS

I. PURPOSE

The purpose of these administrative guidelines is to provide guidance regarding the access to private educational data by volunteers to facilitate their volunteer activities.

II. POLICY REFERENCE

Board Policy 581, Protection and Privacy of Pupil Records, provides in Section VI.B., paragraph 14, that the school district may disclose personally identifiable information from student education records without consent of the parent or student if the disclosure is:

To volunteers who are determined to have a legitimate education interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students.

III. DETERMINATION OF LEGITIMATE EDUCATIONAL INTEREST

A. The Director of Personnel and Administrative Services is designated to determine which volunteers have a legitimate education interest in the data.

B. In making the determination, the following factors will be considered:

1. The interest must be a legitimate educational interest, based on the nature of the organization and the nature of the particular volunteer activity.

a. The following volunteer organizations and individuals are deemed to have an educational interest:

- School parent organizations (e.g. PTO, PAG, PSE)
- Booster groups (e.g. Band Boosters, interscholastic sports team booster groups)

- 1 • RHS Senior Party Committee
2 • Elementary room parents
3 • Volunteers for other school-sponsored activities
4
5 b. Activities that support the school program or provide
6 assistance to the school administration, teachers,
7 coaches, and activity supervisors in carrying out
8 school-related programs and activities are deemed to
9 have an educational interest.
10 c. Activities such as assembling a directory for the
11 purpose of parent or student networking are not
12 deemed to have an educational interest.
13
14 2. The volunteers must need the private data to assist them in
15 conducting activities and events that are sponsored by or
16 endorsed by the school district.
17
18 a. Following are examples of activities involving
19 volunteer organizations and individuals that are
20 sponsored or endorsed by the school district:
21
22 • School or classroom field trips
23 • School-wide events such as fun fairs and family nights
24 • Vision and hearing screening
25 • Kindergarten orientation
26 • Curriculum nights, open houses, and parent / student
27 orientations
28 • School-wide testing
29 • Trip to environmental learning center
30 • End-of-season athletic team banquet
31
32 b. Following are examples of activities that are not
33 sponsored or endorsed by the school district. In
34 some cases, the district does not sponsor or endorse
35 such activities for liability reasons.
36
37 • Competition cheerleading
38 • Booster-organized activities such as a spring break trip
39 to Florida to play in a baseball tournament
40 • Booster-organized parties other than the end-of-
41 season athletic team banquet
42 • Global language trips
43 • Band / choir tours
44
45 c. Requests for private data by a volunteer organization
46 should be determined on a case by case basis so that
47 the district is able to consider whether the activity is
48 one that is either sponsored or endorsed by the
49 school district.

3. The volunteers must have a legitimate need for the information sought.
 - a. The private data sought must be directly relevant and necessary to perform the volunteer activity that has a legitimate educational interest
 - b. As an example, a volunteer may be granted access to student health and emergency information in order to help an activity supervisor check and organize student permission slips and health forms in preparation for a student trip.
 - c. By contrast, it would be inappropriate to provide health information to an athletic booster club for an unrelated purpose such as ordering athletic jerseys.

IV. RESPONSIBILITIES OF VOLUNTEERS

- A. Volunteers who have access to private data are expected to use the data only for the purpose for which it was requested.
- B. The data should not be discussed with or shown to others.
- C. Wherever possible, private data should remain on school premises.

Dated: May 7, 2001
Reviewed: December 20, 2004, July 17, 2006
Revised: November 19, 2001

RICHFIELD PUBLIC SCHOOLS
ADMINISTRATIVE GUIDELINES
RELEASE OF STUDENT RECORDS

I. PURPOSE

The purpose of these administrative guidelines is to provide general guidance regarding the release of student records in a variety of circumstances, consistent with Board Policy 581. These guidelines are based on the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g (FERPA) and the Minnesota Government Data Practices Act, Chapter 13.

II. STUDENT RECORDS: WHAT TO RELEASE AND TO WHOM?

- A. Appended is a table outlining a variety of situations in which the release of student records may be requested, along with the appropriate response.
- B. The situations listed in the table are often fact dependent and the law changes frequently. Further, both FERPA and Chapter 13 contain numerous exceptions. Accordingly, questions regarding the application of these guidelines should be directed to the Director of Personnel and Administrative Services, who serves as the district records officer.
- C. The Director of Personnel and Administrative Services may consult with legal counsel prior to taking action on a data request.

Dated: May 7, 2001
Reviewed: December 20, 2004, July 17, 2006
Revised:

**Independent School District 280
Richfield, Minnesota**

STUDENT RECORDS: WHAT TO RELEASE AND TO WHOM?

The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g ("FERPA") and the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, govern collection, storage, maintenance and dissemination of student data. Overlapping and sometimes supplementary legal protections include the constitutional right of privacy and the state common law right of privacy.

FERPA prohibits the disclosure of personally identifiable information that is contained in the student's record and assures access for the parent or the student. Both FERPA and its Minnesota counterpart, Chapter 13, contain many exceptions. Below are some general guidelines to follow in managing educational records. However, each situation is often fact dependent and the law changes frequently. Please consult with the Director of Personnel and Administrative Services prior to taking action on a data request. The Director may consult with legal counsel prior to determining an appropriate response.

SITUATION RELEASE OF DATA REQUESTED	DATA RELEASE - YES OR NO?
<ul style="list-style-type: none">• To organizations conducting educational studies?	<ul style="list-style-type: none">• Yes, if the purpose of the study is to develop, validate, or administer predictive tests, or to improve instruction. The information must be kept confidential or released only in summary form.
<ul style="list-style-type: none">• To appropriate parties in connection with a health or safety emergency?	<ul style="list-style-type: none">• Yes, if the information is necessary to protect the health or safety of the student or other individuals. This exception is intended to apply to crisis situations only and is very strictly construed.
<ul style="list-style-type: none">• Release of "directory information" to the general public?	<ul style="list-style-type: none">• Yes, if the district has duly designated this information as directory information.
<ul style="list-style-type: none">• To authorized representatives of the Comptroller General of the United States, the U.S. Attorney General, the Secretary of U.S. Department of Education, or the Commissioner of the State Department of Children, Families & Learning?	<ul style="list-style-type: none">• Yes, however, who and what is authorized depends upon the circumstances of the disclosure, such as Mandatory Reporting requirements.

<ul style="list-style-type: none">• To the juvenile justice system?	<ul style="list-style-type: none">• Yes, specific minimal data may be released prior to adjudication, if the data concern the juvenile justice system and the ability of the system to effectively serve the student. In addition, data on a student who is on probation may be released to the juvenile justice system if the data relates to the student's use of a controlled substance, alcohol, or tobacco; assaultive or threatening conduct that could result in dismissal from schools; possession or use of weapons or look-alike weapons; participation in gang activity; theft; or vandalism or damage to property. In addition, a school district must release to law enforcement the fact that a student brought a firearm to school, although it cannot release details about the incident, such as the school's disciplinary response.
<ul style="list-style-type: none">• To comply with a judicial order or lawfully issued subpoena?	<ul style="list-style-type: none">• Yes, under federal law, to comply with a subpoena if the district first makes a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena, or restrictions are placed on re-disclosure. Contrast this with Minnesota state law under which a school district must release data only pursuant to a court order, not a subpoena. The more stringent state requirement must be followed in Minnesota.
<ul style="list-style-type: none">• To the attorney, insurance representative, or other third parties working for or on behalf of the school district?	<ul style="list-style-type: none">• Yes, if needed in the course of his or her representation of the district and the person has a legitimate need to know the data to perform his/her function for the district.
<ul style="list-style-type: none">• To the attorney or advocate for the parent'?	<ul style="list-style-type: none">• No, unless the parent or adult student has signed a prior written consent authorizing release of the data to their attorney or advocate.
<ul style="list-style-type: none">• To accrediting organizations?	<ul style="list-style-type: none">• Yes, as necessary to carry out accrediting functions.

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MSBA/MASA Model Policy 515

Orig. 1995

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515 PROTECTION AND PRIVACY OF PUPIL RECORDS

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

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

III. DEFINITIONS

A. Authorized Representative

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

B. Biometric Record

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

C. Dates of Attendance

“Dates of attendance,” as referred to in “Directory Information,” means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, satellite, internet or other electronic communication technologies for students who

are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

D. Directory Information

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

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

[Note: This definition includes all of the types of information specifically referenced by state and federal law as directory information. A school district may choose not to designate some or all of the enumerated information as directory information. A school district also may add to the list of directory information, as long as the added data is not information that generally would be deemed as an invasion of privacy or information that references the student's religion, race, color, social position, or nationality. Federal law now allows a school district to specify that the disclosure of directory information will be limited to specific parties, for specific purposes, or both. The identity of

those parties and/or purposes should be identified. To the extent a school district adds these restrictions, it must then limit its directory information disclosures to those individuals and/or purposes specified in this public notice. Procedures to address how these restrictions will be enforced by the school district are advised. Designation of directory information is an important policy decision for the local school board which must balance not only the privacy interests of the student against public disclosure but also the additional administrative requirements such restrictions on disclosures will place on the school district.]

E. Education Records

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

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
 - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
 - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
 - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school district.
- e. Records that only contain information about an individual after he or she is no longer a student at the school district and that are not directly related to the individual's attendance as a student.

F. Eligible Student

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

G. Juvenile Justice System

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

H. Legitimate Educational Interest

"Legitimate educational interest" includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:

- 1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
- 2. Perform a supervisory or instructional task directly related to the student's

education; or

3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.
4. Perform a task directly related to responding to a request for data.

I. Parent

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

J. Personally Identifiable

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

K. Record

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

L. Responsible Authority

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

M. Student

"Student" includes any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains education records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services

from the school district.

N. School Official

“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

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

O. Summary Data

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

P. Other Terms and Phrases

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

IV. **GENERAL CLASSIFICATION**

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

V. **STATEMENT OF RIGHTS**

A. Rights of Parents and Eligible Students

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

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

B. Eligible Students

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 C.F.R. § 99.31(a).

C. Disabled Students

The school district shall follow 34 C.F.R. §§ 300.610-300.617 with regard to the confidentiality of information related to students with a disability.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. The school district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the

student, except as provided herein.

2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - a. if the parent or eligible student so requests, the school district shall provide him or her with a copy of the records disclosed; and
 - b. if the parent of a student who is not an eligible student so requests, the school district shall provide the student with a copy of the records disclosed.
4. A signed and dated written consent may include a record and signature in electronic form that:
 - a. identifies and authenticates a particular person as the source of the electronic consent; and
 - b. indicates such person's approval of the information contained in the electronic consent.
5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
 - a. in plain language;
 - b. dated;
 - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - d. specific as to the nature of the information the subject is

authorizing to be disclosed;

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

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

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

- 1. To other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
- 2. To a contractor, consultant, volunteer, or other party to whom the school district has outsourced institutional services or functions provided that the outside party:
 - a. performs an institutional service or function for which the school district would otherwise use employees;
 - b. is under the direct control of the school district with respect to the use and maintenance of education records; and

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

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

6. To state and local officials or authorities to whom such information is

specifically allowed to be reported or disclosed pursuant to state statute adopted:

- a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school district that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school district shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

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

school district and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
13. Information the school district has designated as “directory information” pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;
16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - a. the following information about a student must be disclosed: a student’s full name, home address, telephone number, date of birth; a student’s school schedule, daily attendance record, and photographs, if any; and any parents’ names, home addresses, and telephone numbers;
 - b. the existence of the following information about a student, not the actual data or other information contained in the student’s education record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this information, the principal or chief administrative officer of a

school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under Minn. Stat. § 260B.171, Subd. 3. The principal must notify the counselor immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian;
20. To the principal where the student attends if it is information from a peace officer's record of children received by a superintendent under Minn. Stat. § 260B.171, Subd. 5. The principal must place the information in the student's education record. The principal also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may

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

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 U.S.C. § 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization

to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

C. Nonpublic School Students

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

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

VII. RELEASE OF DIRECTORY INFORMATION

A. Classification

Directory information is public except as provided herein.

B. Former Students

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

C. Present Students and Parents

The school district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school district shall:

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

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

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

4. The school district shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

E. Duration

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school district pertaining to a student be

accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
 - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
 - b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
 - c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
 - d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
 - e. whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential Records

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

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

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

1. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school district.
3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
 - a. a decision by the school district, or by the chief attorney for the

school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;

- b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
- c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

- 5. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative, or arbitration proceedings.

D. Chemical Abuse Records

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

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

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

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

- A. The school district will release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
 - 1. may be used only for the purpose of providing information to students about military service, state and federal veterans’ education benefits, and other career and educational opportunities provided by the military; and
 - 2. cannot be further disseminated to any other person except personnel of the

recruiting services of the armed forces.

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

XII. LIMITS ON REDISCLOSURE

- A. Redisclosure

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

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent the school district from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:
 - a. The disclosures meet the requirements of Section VI. of this policy; and
 - b. The school district has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student or to parents of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 U.S.C. § 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

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

C. Classification of Disclosed Data

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

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information

under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

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

1. A description of records maintained;
2. Titles and addresses of person(s) responsible for the security of student records;
3. Location of student records, by category, in the buildings;
4. Means of securing student records; and
5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school district. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be

attached to and become a part of this policy.

E. Record Keeping

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

ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.

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

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

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

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

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

B. Response to Request for Access

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

C. Right to Inspect and Review

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

1. The right to a response from the school district to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school district shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records.
3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents or eligible students shall submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

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

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading, or violates the privacy rights of the student may request that the school district

amend those records.

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

B. Right to a Hearing

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

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

thereof is disclosed by the school district to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

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

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minn. Stat. Ch. 14 relating to contested cases.

XVI. PROBLEMS ACCESSING DATA

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

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

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

B. Content of Complaint

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

XVIII. WAIVER

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

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

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

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of FERPA and the rules promulgated thereunder;
5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing

education records to other school officials whom the school district has determined to have legitimate educational interests; and

6. That the school district forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

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

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

C. Notification to Parents or Eligible Students Who are Disabled

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

XX. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by the school district shall be controlled by state and federal law.

XXI. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students at the office of the superintendent.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. § 363A.42 (Public Records; Accessibility)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
18 U.S.C. § 2331 (Definitions)

18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)

Cross References: MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 520 (Student Surveys)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)
MSBA Service Manual, Chapter 13, School Law Bulletin “T” (School Records – Privacy – Access to Data)

NEW BUSINESS- FOR ACTION

Agenda Item VI.B.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: 2021 Board Member Represent A School Assignments

(Recommended by Superintendent)

That the board approve the following Represent a School Assignments for the 2021 calendar year.

Schools	Proposed 2021 Appointments
Centennial	Paula Cole
Sheridan Hills	Crystal Brakke
RSTEM	Tim Pollis
RDLS	Paula Cole and Peter Toensing
Middle School	Allegra Smisek
High School	Christine Maleck
Central Education / RCEP	Peter Toensing

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: 2021 Board Liaison Assignments

(Recommended by Superintendent)

That the board approve the following liaison assignments for the 2021 calendar year.

ORGANIZATION	PURPOSE	MEETING SCHEDULE & LOCATION	2021 Assignments
Association of Metropolitan School Districts (AMSD)	AMSD's primary task is to lobby at the state level for the needs of metropolitan school districts.	7:00am – 9:00am Website Quora Education Center (70 W. Cty Rd B2, Little Canada 55117) February 5, March 5, April 9, May 7, May 21	Toensing Brakke Unowsky Daniels(Alternate)
Activities Advisory and Fundraising Advisory Committees	Provides Student, Families, and Richfield Community opportunities for learning & participating beyond the classroom.	District Board Room, Typically 3 rd Wednesday of the Month, 6:30 p.m. – 8:15 p.m. Activities Advisory – February, April, June Fundraising Advisory – March, May	Ellerson Unowsky Toensing(Fundraising) Brakke (Activities)
Board Representatives – Negotiations & District Insurance Committee	Advisory role	Insurance Committee: Jan 13 3:45 pm, Jan 29 7:15 am, Feb 3 3:34 pm, March 4 TBD, March 10 3:45, April 14 3:45 Negotiations Team meets as needed	Pollis Toensing
Community Education Advisory Council	The mission of Community Ed is to bring together school and community services.	2 nd Monday of the month, 6:00 p.m. - 7:30 p.m. Central Education Center Jan 11, Feb 8, March 8, April 12, May 10	Cole
District Construction Committee		Morning meetings spring/summer	Maleck Holje
District Curriculum Committee	Parents, Administration, and School Staff – advise & support the implementation of the curriculum.	Wednesdays, 5 times per year, 5:00 p.m. – 6:30 p.m. District Board Room February 17, April 21	Maleck Smisek Daniels
District Health, Safety & Wellness Committee		Quarterly, 7:15 a.m. – 8:15 a.m. District Board Room February 18, April 15	Toensing Smisek Holje
District Technology Committee		Meets 4 times per year District Board Room February 9, April 13	Maleck Klinge

(ECSU) Metropolitan Educational Cooperative Service Unit Executive Committee	Metro ECSU helps schools and other government agencies fulfill their missions by delivering high quality services while reducing costs through collaboration.		Unowsky
Fiscal Planning Advisory Committee		2 nd Monday of the month 6:30 p.m. – 8:00 p.m. District Board Room Jan 11, February 8, March 8, April 12, May 10	Toensing Brakke (Alternate) Holje Gilligan
Friends of Wood Lake (FOWL)	Advocacy and fundraising group in support of the nature center.	Usually 3 rd Thursday of the month, 5:30 p.m. Wood Lake Nature Center Jan 21, Feb 18, March 18, April 15, May 20, June 17, July 15	Maleck
Headway Emotional Health Services	Experienced emotional and mental health care professionals		Maleck
Hennepin South Services Collaborative Richfield Community Council/Alliance for Families & Children	HSSC invests in and collaborates with community partners to ensure quality services to children, youth, and families in the Bloomington, Eden Prairie, and Richfield communities.		McNaughton- Commers
Intermediate District 287	Educational partner providing innovative specialized services to meet the unique learning needs students.		Brakke
Metro South Adult Basic Education	Educational partner providing basic adult education.		McNaughton- Commers
Minnesota State High School League	Provides opportunities for athletics and fine arts competition		Pollis
MSBA Delegate Assembly	MSBA supports, promotes and enhances the work of public school boards and public education.	Meets once yearly (December)	Cole
PELSB Board	Teacher Licensing	Monthly	Unowsky
Richfield Chamber of Commerce	Brings together the business and professional people of the city to create a better business climate.	Meets monthly	Holje
Richfield City Council (Planning Commission if appropriate)	Guides Richfield development	2 nd & 4 th Tuesday of the Month, 7:00 p.m. Richfield Municipal Center, Council Chambers	Maleck Cole

Richfield Community Services Advisory Commission	City issues related to recreation, parks, public works		Kretsinger
Richfield Foundation	Partners with non-profit and neighborhood organizations to support Richfield community, families, and children.		Toensing Unowsky
Richfield Historical Society	Collects, preserves and shares the story of Richfield	3 rd Monday of the month, 7:00 pm	Cole
Richfield Human Rights Commission	Helps to secure human rights and equal opportunity for residents of Richfield	1 st Tuesday of the month, 6:30 p.m. Richfield City Hall	Smisek
RPS Foundation	Supports RPS with educational grants for enrichment		Toensing Unowsky
Richfield Spartan Foundation	Supports the youth of Richfield – Golf Tournament, Scholarships	Meet on an as needed basis Contact: Bill Davis 612-819-9053	Pollis
Safe & Supportive Schools Advisory Committee Lead: Mary Clarkson	Provide input on the alignment of systems and supports to improve school climate and school safety ensuring that all Richfield students have a safe and supportive learning environment that maximizes each student's learning potential.	Parent Mtgs: Quarterly, 6:00 p.m. – 8:00 p.m. February 2 Student Mtgs: Quarterly, 2:00 p.m. – 3:30 p.m. February 4	Brakke (Student) Smisek (Student & Parent) Clarkson Gonzalez
Superintendent Strategic Advisory Committee	Sharing perspectives on meeting the needs of our students, families & residents with school district leadership.	6:30 p.m. - 8:30 p.m. District Board Room No meetings in the 2020-2021 school year; will restart in fall of 2021	Unowsky Rotation of Board Members (1 per meeting)
Work Experience Advisory Committee	Advises RPS work-based learning program	7:15 a.m. – 8:15 a.m. South Education Center, 7450 Penn Ave. So. January 14, March 11, May 6	Pollis

AMENDED RESOLUTION DESIGNATING POLLING PLACES FOR 2021

WHEREAS, Minnesota Statute 204B.16, subd.1 requires Richfield Public Schools, by ordinance or resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

NOW, THEREFORE, BE IT RESOLVED, Richfield Public Schools hereby designates the following polling places for elections conducted in the city as well as residents in non-Richfield precincts in 2021;

<u>Precinct No. 1</u> <u>Fort Snelling P1</u> Ward 3	Mt. Calvary Education Building 6541 16th Avenue
<u>Precinct No. 2</u> Ward 2	St. Peter's Catholic Church 6730 Nicollet Avenue
<u>Precinct No. 3</u> <u>Edina P14, Edina P16</u> <u>Edina P17, Edina P18</u> Ward 1	Sheridan Hills School 6400 Sheridan Avenue
<u>Precinct No. 4</u> Ward 1	St. Richard's Catholic Church 7540 Penn Avenue
<u>Precinct No. 5</u> Ward 1	Richfield Middle School 7461 Oliver Avenue
<u>Precinct No. 6</u> Ward 2	Central School Building 7145 Harriet Avenue
<u>Precinct No. 7</u> Ward 2	Hope Presbyterian Education Facility 7132 Portland Avenue
<u>Precinct No. 8</u> Ward 3	Richfield Dual Language School (RDLS) 7001 Elliot Avenue
<u>Precinct No. 9</u> Ward 3	Centennial School 7315 Bloomington Avenue

NOW, THEREFORE, BE IT RESOLVED by Richfield Public Schools that the nine locations listed above are the designated 2021 polling locations in Richfield.

Adopted by Richfield Public Schools this 19th day of January, 2021.

ATTEST:

Christine Maleck, Board Clerk

Timothy Pollis, Board Chair

NEW BUSINESS - FOR ACTION

Agenda Item VI.E.

Board of Education
Independent School District 280
Richfield, Minnesota

Regular Meeting, January 19, 2021

Subject: Donations

(Recommended by the Superintendent)

That the Board of Education accept the following donations with gratitude.

The Ellen Carlson Memorial Scholarship Fund received a donation in the amount of \$150.00 from Evy Carlson and the "Birthday Club".