

# Lac qui Parle Valley Schools ISD #2853

## Appleton-Milan Elementary

349 S. Edquist St.  
Appleton, MN 56208

## MMN Elementary

316 W. 4th St.  
Madison, MN 56256



# Parent/Student Handbook **2022-2023**

APPLETON~MILAN ELEMENTARY and MMN ELEMENTARY  
INDEPENDENT SCHOOL DISTRICT #2853 POLICIES AND PROCEDURES

The focus of the school system is on the student. His or her educational development is the central concern in establishing Board policy and administrative regulation. Every effort shall be made to work toward the established State of Philosophy and Educational Goals of the district within the resources available to carry out these programs.

## **ARRIVAL TIME**

School buses run on a scheduled route and try to maintain as regular a pickup and drop off schedule as possible. The student arrival time at the school will begin at 7:55 a.m. for all students. This includes bus riders, walkers, and students who are driven to school. **PLEASE DO NOT DROP OFF STUDENTS BEFORE 7:55 – WE DO NOT PROVIDE SUPERVISION FOR STUDENTS PRIOR TO THIS TIME.** Shuttle buses will transport students between the elementary schools and LqPV High School starting at 8:00 a.m. Classes start at 8:20 a.m. Shuttle buses will transport 5-12 students back to their respective transfer site at 3:25 p.m. Buses then leave for their routes by 3:30 p.m.

Students not participating in the free breakfast program need to arrive by 8:15 a.m.

### **Assignment Books (Appleton-Milan Elementary)**

Assignment Books are used in grades 3 – 4 at Appleton-Milan Elementary. They serve the very functional role of recording daily work and activities, assignments, and various notes. They also serve to develop the life-long skill of organization and the characteristic of responsibility. We encourage parents to use them to communicate with teachers and hope to enlist your support in utilizing them daily. Assignment books are given to students at the beginning of the school year and at the end of the second quarter midway through the year. The cost for the school year is \$6.00. If a student loses his/her assignment book during the year, he/she will be asked to replace it.

### **Attendance Policy**

Absence from school can never really be made up. Success at school requires promptness, responsibility and dependability. The school holds firmly to the belief that the student must not only complete school work satisfactorily, but also maintain a good attendance record.

Absences/tardies will be excused by parents/guardians contacting the school. Parents/Guardians must call or notify the school office prior to 9:00 A.M. On the morning of the day the student will be absent or tardy in order for the tardy or absence to be excused. The school will contact the parent/guardian if a call or notification is not received by this time to ensure that the student is safe. However, the absence or tardy will be recorded as unexcused. The school reserves the right to verify all calls and notes.

### **Reasons for absence which may be considered are:**

- illness or hospitalization with parent note and/or medical verification.
- religious observances
- death in the family or funeral
- school activities
- family trips (only when advance notice is given to the principal)
- professional health and legal appointments
- a doctor's recommendation that the student should not attend school during illness

### **Some reasons which may not be considered are:**

- oversleeping - hair appointments
- suspension - undocumented absences
- work - truancy/habitual truant/continuing truant

For K-4 students, classroom teachers will inform students of make-up work if not picked up during the absence. (Parents may wish to contact the office regarding homework assignments. These assignments may then be picked up after noon on the day of the absence.) All work missed or assigned because of an absence must be completed, or the student will receive an incomplete grade for the course. Instructors will give assistance, necessary to complete the work missed or assigned, to students who need help because of excused absences.

Students are not to leave school because of illness or any other reason without reporting to school personnel in the nurse's office or Principal's office. Students who fail to report will be considered unexcused.

**It shall be the policy of the LqPV K-4 Public Schools to permit a student to accumulate without penalty a total of ten (10) days absences.**

These absences are not approved skip days, but are to be used for illnesses, medical or other professional appointments, serious personal or family problems, or the death of a close personal relative. A student requiring

additional absences may appeal to the principal for an extension.

**Five (5) tardies will count as one day absent.**

**Excessive Absences** - School administrators will review Student attendance reports. The following steps will be taken based on the total number of absences:

- Five (5) absences: Parents will be notified of days absent and reminded of the need for regular attendance by letter or telephone.
- Ten (10) absences: Parents will be notified, in writing, of absences and of the need for medical or legal verification for all additional absences.
- **Eleven (11) absences: A mandatory meeting with the building principal and parents/guardians to discuss the possibility of a court referral and/or retention.**

**Attendance, and the reasons for the absences will be considered with other factors including grades, and performance on standardized tests, when determining grade-level promotions.**

Students away from school, on school business will not be counted absent.

**Planned Absences** - Absences for reasons other than illness or death in the family, are strongly discouraged. If your child must be absent for an extended period or for an emergency reason, notify the school that your child will be absent. If time allows, your child will receive a form to take to his/her teachers, notifying them of the expected absence and requesting homework assignments.

**Unexcused Absences** - A student who is absent from school without lawful excuse (unexcused absence) for three school days is considered "continuing truant". After three unexcused absences a student may be referred to the County Truancy Prevention Program.

A student who is absent from school without lawful excuse (unexcused absence) for seven school days is considered "habitual truant". Cases involving habitual truancy will be turned over to the county attorney's office.

**Educational Neglect:** As required by current statutes, regulations of the State Department of Education, and the school board, students shall be in attendance each day school is in session. It is considered educational neglect if a child age eleven or younger to age seven is absent from school without a lawful excuse for seven days in a school year. This also applies to children under the age of seven who are registered for school, unless the parent officially withdraws the student. The school is legally mandated to report educational neglect to the county child protective services.

## **Bicycles**

Students are allowed to ride bicycles to school. The school does not assume the responsibility for the bikes except for providing a parking area with bicycle racks. Bicycles are not to be used on the playground during the school day. This is for safety reasons. Bikes should be crossed at school designated crossings only. Bikes are to be parked in the school bike rack.

## **Birthdays**

Birthdays are special occasions when parents may send treats to school for the entire class. If you would like to send a treat, please comply with Minnesota State Health Guidelines which state that such treats must be purchased from a bakery or store and all candy must be individually wrapped. **Homemade treats are not allowed.** Please have an accurate count of your child's classmates before bringing/sending treats, and *please check with the teacher to see if this is a classroom procedure.*

Birthday invitations are very special to receive. We ask your cooperation in not sending birthday invitations to school to be handed out. We have many disappointed children when invitations are handed out and they are not included.

## **Box Tops for Education**

Download the Box Tops App on your phone and scan your receipt. Your qualifying purchases will automatically benefit whatever school you select. We also collect Our Family labels.

## **Breakfast Program**

It is important for students to have a nutritious breakfast to maximize their learning potential. Lac qui Parle Valley offers free breakfast for K-4 students at the start of each day. The menu for the breakfast is listed on the Lunch Menu that is sent home at the end of each month in our newsletter and posted on the school website.

## **Bus Service**

While law requires School Districts to furnish transportation, the Board of Education believes that parents are responsible for students until such time as the student boards the bus in the morning and after the student leaves the bus at the end of the school day. It is assumed that bus drivers will use good judgment when dropping students off during times of inclement weather.

In view of the fact that a bus is an extension of the classroom, the Board of Education believes that reasonable standards for behavior be established between the administration and bus driver. Students who become serious disciplinary problems will have their riding privileges suspended.

**Any child changing his/her way of going home must bring a note from home indicating the change of plans, or call the secretary indicating the change.** Otherwise, children will be sent home in the usual manner. For example, a child who usually rides the bus will be sent home on the bus if there is no note or phone call.

If a child plans to have a birthday party after school at his/her home, the parent/guardian needs to contact the driver of the school bus ahead of time. A note needs to be sent to the driver also.

## **STUDENT TRANSPORTATION SAFETY POLICY**

### **I. PLAN FOR STUDENT TRANSPORTATION SAFETY TRAINING**

#### **A. School Bus Safety Week**

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

## B. Student Training

The School District shall provide students enrolled in grades kindergarten through 12 with school bus safety training. Students in grades K – 4 will receive training at least twice during the instructional year. The training shall be results-oriented and shall consist of both classroom instruction and practical training using a school bus. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:

1. transportation by school bus is a privilege not a right;
2. district policies for student conduct and school bus safety;
3. appropriate conduct while on the bus;
4. the danger zones surrounding a school bus;
5. procedures for safely boarding and leaving a school bus;
6. procedures for safe vehicle lane crossing; and
7. school bus evacuation and other emergency procedures

Student school bus safety training shall commence during school bus safety week. All students who are transported by school bus and are enrolled during the first week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. Students who enroll in a school after the first week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within three weeks of the first day of attendance. The School District may deny transportation to a student who fails to demonstrate competencies, unless the student is unable to achieve the competencies due to a disability.

The School District's curriculum for transportation is maintained and available to review in the office of the Superintendent.

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

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

### A. School Bus and Bus Stop Rules

The School District school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. Consequences are progressive and may include suspension of bus privileges. It is the school driver's responsibility to report unacceptable behavior to the School District's Transportation Office/School Office

### B. Rules at the Bus Stop

1. Get to your bus stop 5 minutes before your scheduled pickup time. The school bus driver will not wait for late students.
2. Respect the property of others while waiting at your bus stop.
3. Keep your arms, legs and belongings to yourself.
4. Use appropriate language
5. Stay away from the street, road or highway when waiting for the bus. Wait until the bus stops before approaching the bus.
6. After getting off the bus, move away from the bus.
7. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.

8. No fighting, harassment, intimidation or horseplay.
9. No use of alcohol, tobacco or drugs.

C. Rules on the Bus.

1. Follow the directions of the driver immediately.
2. Sit in your seat facing forward.
3. Talk quietly and use appropriate language.
4. Keep all parts of your body inside the bus.
5. Keep your arms, legs and belongings to yourself.
6. No fighting, harassment, intimidation or horseplay.
7. Do not throw any object.
8. No use of tobacco, alcohol, or drugs.
9. Do not bring any weapons or dangerous objects on the school bus.
10. Do not damage the school bus.

D. Consequences

Consequences for school bus/bus stop misconduct will apply to regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extracurricular events (for example, field trips or competitions) will be the sole discretion of the School District. Parents or guardians will be notified of any suspension of bus privileges.

1. Elementary (K-4)

1st offense - written warning

2nd offense - 3 school day suspension from riding the bus/meeting with parent

3rd offense - 5 school day suspension from riding the bus/meeting with parent

4th offense - 10 school day suspension from riding the bus/meeting with parent

5th offense - suspended from riding the bus for the remainder of the school year

2. Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school may also result from school bus/bus stop misconduct.

3. Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records.

Reports of serious misconduct will be provided to the Department of Public Safety. Records may also be maintained in the transportation office.

4. Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay damages (or make arrangements to pay) within two weeks may result in the loss of bus privileges until damages are paid.

5. Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, possession or vandalism), the Superintendent, local law enforcement officials and the Department of Public Safety will be informed.

### III. PARENT AND GUARDIAN INVOLVEMENT

A. Parent/Guardian Responsibilities for Transportation Safety

1. Become familiar with District rules and policies, regulations and principles of school bus safety.

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

#### B. Parent and Guardian Notification

A revised copy of the School District school bus and bus stop rules, contained in the Parent/Student Handbook, is posted on the school website at the beginning of the school year. Parents and guardians are asked to review the rules with their students.

## **Calendar**

In the Back To School Packet you will find a school calendar. The calendar lists the days school is in session and also makeup dates in case of emergency school closings. Please post as a reference, and note *it is subject to change*, in which case you would be notified. A calendar is also available on the LqPV website.

### **Clothing** (see Dress Code)

We enlist parents' support in making certain our students are properly dressed for current weather conditions. We also ask that you follow our dress code in helping students dress appropriately in the school setting.

### **Class Lists**

One of the biggest tasks our staff will do is preparing class lists for next year. A tremendous amount of thought and energy goes into this lengthy process. Classroom teachers meet many times amongst themselves, with specialists, special education teachers, the social worker, and the principal to discuss appropriate placement of students. Their goal is to develop classes that will grow into positive learning environments for all students. Things that are crucial to consider as we build those class lists include, but are not limited to:

- A balance of boys and girls;
- A blend of abilities;
- Careful consideration of student personalities and behaviors;
- A mixture of students from classrooms; and
- Placing students who work well together as learners, which does not necessarily mean they are friends.

As mentioned earlier, the process of class formation is a very thoughtful one. You can rest assured that the professionals developing these classes are highly skilled people whom you can trust. Also, please realize that teaching assignments can change over the course of a summer.

### **Conferences**

Conferences are typically held following the completion of the first quarter and the reception of student report cards. This typically falls somewhere around early to mid-November. Your support at conferences sends a powerful message to your son and daughter that school and learning is important.

## **Curriculum**

All students receive instruction in these core subjects: Language Arts (reading, writing, spelling, handwriting), Mathematics, Social Studies, Science, and Health. In addition, specialists in the following areas provide instruction: Physical Education, Music, and Art. Students have computer experience both in lab settings and in the classroom. The emphasis is on integrating computer use with subject area curriculum, which enables the computer to be used as a tool to help students learn. Our local school district's curriculum aligns with the Minnesota Department of Education's statewide standards, which comply with federal standards. Dyslexia will be addressed through a screening process after consideration and as directed by the child study team.

## **Data Privacy**

Data Privacy Laws prohibit us from releasing the name, telephone number, or address of any student or staff member for any reason. As well, general information regarding students other than your own child cannot be given out. Please respect the law and other families' rights to privacy by not asking questions regarding behavior, consequences, and other confidential information.

## **Discipline**

Our school discipline plan intends to protect and nurture the rights of our students to physical, social, mental, and emotional growth. Actions of individual students will not be allowed to limit one's own or the educational growth of others. Maintaining an effective learning environment requires the combined effort and partnership of students, parents, teachers, school administrators and other school staff involved in the educational process. All of these persons are citizens in our school community. All students have individual rights that go hand in hand with responsibilities. When we respect the rights of others, we preserve our individual rights. A plan is detailed below listing the philosophy, rights, expectations, consequences, and major offenses. Each family is asked to read and discuss the plan and sign (student and parent/guardian) stating that they support the discipline plan.

\*Note: Please see the LQPV website for further information regarding our specific Bullying Policy.

## **Philosophy:**

- Our school discipline plan intends to protect and nurture the rights of our students in the areas of physical, social, mental, and emotional growth.
- Actions of individual students will not be allowed to limit one's own or the educational growth of others.
- Maintaining an effective learning environment requires the combined effort and partnership of students, parents, teachers, school administrators, and other school staff. All of these persons are citizens in our school community.
- All students have individual rights that go hand in hand with responsibilities. When we respect the rights of others, we preserve our individual rights.

## **Rights:**

1. Every citizen deserves to be treated with respect.
2. Every citizen is entitled to learn and teach without interference or distraction, with fair assessment of progress.
3. Each citizen has the right to feel safe and secure within the school and on the school grounds.

## **Expectations:**

### **Building**

- Walk quietly in the hallways
- Speak with an appropriate, inside voice
- Keep hands, feet, and objects to yourself
- Use restrooms, sinks, and drinking fountains appropriately
- Respect and care for each other and our school building



### Classroom

- Be an active, participating listener
- Show respect to other people, their property, and their ideas
- Do your best work and try challenging activities
- Complete assignments on time as required

### Playground/Athletic Fields

- Use sportsmanship
- Play safely and follow playground rules
- Be kind and respect other people and their property
- Respect the authority of the supervisors

### Lunchroom

- Stand quietly in line, single file, along the wall
- Eat your meal appropriately and clean up your area
- Respect the authority of the supervisors

### Assemblies

- Sit silently when the signal is given to begin
- Watch, listen, and participate in the presentation
- Keep hands, feet, and objects to yourself
- Following the presentation remain seated until dismissed

### Bus & Bus Lines

- Stay in line and wait your turn to board the bus
- Respect the authority of the bus drivers, supervisors, and monitors
- Stay seated while the bus is moving
- Keep hands, feet, and objects to yourself
- Respect other people and their property

### **Major Offenses:**

- Fighting or threatening another person
- Swearing, vulgar language, or obscene gestures
- Damaging property (school or personal property)
- Continued misbehavior in school
- Excessive incomplete assignments
- Carrying a weapon or look-alike weapon
- Sexual harassment
- Ethnic or racial harassment
- Blatant disrespect
- Stealing
- Unsafe bus behavior
- Disrespect of student monitors

When a staff member observes a student who is involved in a major offense, the inappropriate behavior is documented. All major offenses will be automatic detention, brought to the attention of the principal, and the parent(s) will be notified. Additional consequences will be determined based on the severity of the offense and frequency of the misbehavior. Out of school suspension/dismissal of one day or more may be enforced.

### **Pupil Fair Dismissal Act**

Should a student's consequences result in either suspension, expulsion, or exclusion, the Pupil Fair Dismissal Act establishes grounds and procedures for the suspension, exclusion and expulsion of students and will be exclusively followed.

- **Suspension** is an action taken by the school administration which prohibits a student from attending school for a period of no more than five school days. Each suspension includes a readmission plan and alternative programs to be implemented during or following readmission.

- **Exclusion** is an action taken by the school board to prohibit enrollment or reenrollment of a student for a period not extending beyond the school year.
- **Expulsion** is an action taken by the school board to prohibit an enrolled student from further attendance for a period up to but not extending beyond one year.

(This is a summary of the Pupil Fair Dismissal Act. A complete description is available by contacting the school office.)

## **Appleton-Milan Behavior Management Plan**

Appleton-Milan Elementary School has a school-wide behavior management plan. This plan is the work of a committee of staff members and the administrator who agreed that a behavior management plan should have a positive emphasis while helping children function properly in the school setting.

### **Philosophy:**

The Appleton~Milan Elementary School staff believes that in the spirit of cooperation with parents/guardians, we can maintain an atmosphere conducive to learning. We believe we have the right to expect respectful and appropriate behavior from all students. The ultimate goal of discipline is individual responsibility and self-discipline. We have adopted the Eagles SOAR acronym (**S**afety, **O**n-task, **A**ttitude, **R**espect) which permeates the entire building. The rewards and consequences in the building subsequently follow this SOAR philosophy. The focus is always on the positive behavior expectations we have of the students.

### **Code of Conduct**

*I will Respect:*

- *myself*
- *others*
- *our building and grounds*

**\*Rules in individual classrooms may be added that support the school-wide system.**

### **Rewards**

- Rewards will be given to students on a weekly & monthly basis to those students who have earned the reward.
- Rewards will be given to the entire student body when the appropriate number of Character tokens have been earned.
- Individual students are honored weekly and monthly for their positive Character choices.

### **Consequences:**

- 1<sup>st</sup> Verbal warning-given by any adult, discussion with teacher
- 2<sup>nd</sup> After a verbal warning, a student may receive a check. After three checks, a student will receive a noontime consequence.
- Parent contact is made via email, note, or phone call after a student has had to stay in for two-10 minute noon times. This will alert parents to inappropriate behaviors and that only two more noon consequences remain prior to after school detention.
- Each day starts over fresh.
- Consequences are on an individual basis and as necessary.

### **Noon-time Consequence Reward Times (for those not earned)**

- Students are sent to a classroom for discipline reasons or excessive late assignments. (Teachers will keep track of Noon-time Consequence sessions; the principal will be alerted if students receive 4 Noon-time Consequences in a quarter).
- Students may complete school work during this time.

## **Detention**

- Detention is held after school from 3:15-3:45
- Physical contact or fighting is automatic detention, plus possible further consequences imposed by the principal or designee (such as in-school suspension).
- 4 Noon-time Consequences in 1 quarter = After School Detention
- Teacher giving detention is responsible for parent contact.
- Parents will make arrangements to pick up their child at 3:45.
- Each quarter starts over fresh.

# **MMN Discipline Plan**

Madison-Marietta-Nassau Elementary School has developed a school-wide discipline plan. This plan is the work of a committee of staff members and our administrator who agreed that a student discipline plan should have a positive emphasis while helping children to function properly in the school setting.

### **Philosophy:**

The Madison-Marietta-Nassau Elementary School staff believes that in the spirit of cooperation with parents/guardians, we can maintain an atmosphere conducive to learning. We believe we have the right to expect appropriate behavior from all students. The ultimate goal of discipline is individual responsibility and self-discipline.

### ***Code of Conduct***

- 1. I am respectful*
- 2. I am responsible*
- 3. I am safe*
- 4. I am prepared*

**\*Classroom expectations in individual classrooms may be added.**

### **Rewards**

- Students will be rewarded for good behavior weekly/monthly.

### **Consequences:**

- 1st Verbal warning-given by any adult, discussion with teacher
- 2nd After a verbal warning, a student may receive a check.
- 3rd A student will receive a noontime consequence.
- Parent contact is made via email, note, or phone call after a student has had to stay or will stay in for 10 minutes from recess. This will alert parents to inappropriate behaviors and that only two more noon consequences remain prior to after school detention.
- Each day starts over fresh.
- Consequences are on an individual basis and as necessary.

### **Noon-time Consequence**

- Students for discipline reasons or excessive late assignments. (Teachers will keep track of Noon-time Consequence sessions; the principal will be alerted if students receive 4 Noon-time Consequences in a quarter).
- Students may complete school work during this time.

## **Detention**

- Detention is held after school from 3:15-3:45
- Physical contact or fighting is automatic detention, plus possible further consequences imposed by the principal or designee (such as in-school suspension).
- 4 Noon-time Consequences in 1 quarter = After School Detention
- Teacher giving detention is responsible for parent contact.
- Parents will make arrangements to pick up their child at 3:45.
- Each quarter starts over fresh.

### **Dress Code**

We encourage students to respect themselves and others. We require that students' dress habits reflect this feeling; therefore, we have established a dress code to protect your child's image and the rights of others. It is important that you project a good and respectful image of yourself at all times. Offensive grooming behaviors will be discussed with the student with appropriate actions taking place. Shorts and skirts worn to school should be an appropriate length, no shorter than knee length. No waistline showing, i.e., shirt and waistline must overlap. Shirt necklines no lower than two inches below the neckline, (top of the sternum bone). T-shirts or other shirts and caps with alcohol, tobacco, drug logs, or unfavorable sayings, and spaghetti strap tops are not allowed to be worn in school. Caps and other headgear are not acceptable pieces of clothing during the school day. The dress code policy will include physical education classes.

### **Drug-Free Environment**

The Lac qui Parle Valley School buildings and grounds are drug-free environments. Tobacco, alcohol, chemical use, and vaping are strictly prohibited on school grounds. This includes all activities before, during, and after school and includes all students, siblings, parents, and staff. **Parent chaperones that accompany classes on field trips must adhere to these policies as well.**

### **Early Dismissal**

The directive to close schools comes from the office of the Superintendent of Schools. The following stations announce school closings:

WCCO – AM 830  
WCCO- TV CH 4  
KMSP – TV CH 9  
KARE – TV CH 11  
KSTP – TV CH 5  
KSAX – TV CH 42  
KMGM – FM 105.5/KDMA – AM 1460 (MONTEVIDEO)  
KDJS – 1590 AM (WILLMAR)  
KWLM Q 102 – (WILLMAR)  
KLQP – FM 92.1

School Closing, delays, and early dismissals will be sent by JMC and posted on the school's website: [www.lqpv.org](http://www.lqpv.org)

If school is dismissed early, make certain your child has a safe place to go in case you are not home. Do not call the school unless it is an extreme emergency. Parents may pick up only their own children. Please send the name, address and phone number of someone that your child can stay with in town if the need arises.

### **Emergency Phone Numbers**

Please fill out the Emergency Card, in the Back To School Packet, with the name, address and phone number of a relative or friend in case we cannot reach you in an emergency. If you have a regular schedule of activities, please let us know your schedule along with the phone numbers where you can be reached. *It is critical that this record be kept current. Please let the office know if there are any changes or additions during the year.*

### **Field Trips**

Field trips are an important part of our educational program. Through these experiences, students see what they are learning in the classroom applied to real life. It is also a time to develop skills in courtesy, safety, and good citizenship. The students will either walk to the local sites or be transported in our buses. **Please sign the “All Year Field Trip Permission slip enclosed in the Back To School Packet.** There may also be a small cost. We encourage all students to attend field trips. All students not receiving parental permission to participate with their class should plan on attending school that day where alternative grade level activities will be provided.

Parents are encouraged to join the group if space allows (Please check with the teacher). Parents must pay their own way into an area that charges a fee. For liability reasons we must limit chaperons to parents or guardians. Preschool children are not allowed to attend the trip. Other relatives (such as a grandparent) would only be used when there is not a sufficient number of parents/guardians. Our insurance only covers students who are riding on the bus, so all students must use the bus or school vehicle for transportation on a field trip. If you are not chosen to chaperone, we ask that you do not drive to the location of the field trip on your own to be with your child. The teachers have divided their students into small groups of students with an adult chaperon. It is highly beneficial to the students to remain with their peers and benefit from the teacher-directed activities

### **Fire Drill/Emergency Procedures**

State law requires schools to have five drills each school year. If a fire emergency or other emergency requiring evacuation does occur, students have to evacuate at that moment. Students may not have time to put on coats or jackets.

### **Game Boys, Hand-Held CD Players, Cell Phones, Other Electronic Devices/Games**

Gameboys, hand-held CD Players, handheld electronic games, cell phones, remote control vehicles and similar toys *are not recommended in school.* These items have proven to be very disruptive, troublesome, and have contributed a great deal to inappropriate behaviors and discipline... even with the promise to be kept away, not used on the bus, shared with another student, etc. The school will not be responsible for these items if they are damaged, lost, or stolen.

### **Going Home With a Friend**

To avoid communication problems between home and school, we require a written, dated note (signed by a parent) if a child is to go home with someone else. “On the spot” play dates, sleepovers, etc. coordinated among students are not permitted.

### **Health Services**

A licensed school nurse and two health assistants provide first aid care for students and staff, ongoing vision and hearing screenings and referrals, and medication administration.

**Medications**—State law sets standards for dispensing medication within the school. Before a medication can be dispensed at school, we must have a written order from a physician including:

1. Student’s name
2. Name of medication

3. Diagnosis (the reason the medication is needed, and why it is needed during the school hours)
4. Time of administration
5. Route and dosage of medication to be administered
6. Possible side effects
7. Termination date for administration

Health office personnel are not allowed to dispense any medication without the physician's order. This includes over-the-counter medications (i.e., Tylenol, cold medications, etc.). The parent must also sign this authorization. Please contact the school office for a copy of this form.

If your child must have medication of any type given during school hours, you may complete the physician's order as outlined above, or you may come to school to give the medication to your child at the appropriate time(s). Any unused medication that hasn't been picked up by guardians will be disposed of using the appropriate methods.

If your child has a health condition or is on medication at home, please let us know in order for us to best serve his/her health needs. The school nurse will complete an emergency care plan (if needed) or individualized health plan to assure the health and safety of your child while in school or on a field trip. (This would include students who have diabetes, seizure disorders, asthma, bee sting allergies, etc.)

**Illness**—Many students and parents are frequently concerned about when students should stay home or attend school. General Practice:

- If the student has had a fever of 100 degrees or more, the student should stay home for **24 hours after the temperature returns to normal.**
- If the student has vomited or had diarrhea, the student should stay home until **24 hours after the last episode.**
- If the student has any rash that may be disease-related, or you do not know the cause, check with your family physician before sending the student to school.
- If the student is ill, please call the school daily to report the illness.

When your child develops a temperature above normal or shows other symptoms of illness, parents will be contacted so he/she can be picked up. If the parent cannot be reached, information provided on the Emergency Card will be used. Please contact the school to update this information if there are changes in home or work phone numbers.

**Immunizations**—State law provides for compulsory immunizations for all new students entering Minnesota schools. Required immunization for students going into 7th grade are:

1 shot of (Tdap) tetanus, diphtheria, pertussis

1 shot of (MCV) Meningococcal,

2 shot of Varicella or documentation from doctor of chickenpox or medical reason for not receiving shot

2 shots of (MMR) Measles, mumps, rubella.

3 shots of hepatitis B

Recommended shots:

(HPV) Human papillomavirus 3 shot series

Influenza

Verification of these immunizations is required previous to enrollment. Your child **will not** be able to attend school this fall unless his/her immunization record is complete. If you have any questions, please contact the school nurse.

### **Head Lice Management**

Students found to have live lice in their hair will be sent home and parents will be requested to shampoo their hair with an appropriate lice killing shampoo product and remove all nit eggs before readmission to school. Once head lice have been diagnosed or discovered on your child, it is important to respond quickly so that your child misses a minimal amount of school, and so the spread of lice to others can be prevented. The procedures are as follows:

- A. The School Nurse will check for evidence of live lice and/or nit eggs when students have observable problems with their hair (i.e. itching, scaling, dry scalp, dandruff, etc.)
- B. Lice checks will occur in the Nurse's Office when done individually.
- C. Each lice check will be recorded, noting the date, time, student(s) and results on a flow sheet in the Nurse's Office.
- D. If live lice and/or viable nit eggs are found by the nurse, the student's parent(s) will be contacted and the student will be sent home for treatment. Lice treatment procedures will be sent home with the student.
- E. All students returning to school from treatment at home will be checked by the school nurse on duty before going back to class. Results of this check will follow the above policy.
- F. Hair will be checked the following week or as needed.
- G. A classroom check will be initiated whenever there is lice found on one of the students in that classroom or requested by the teacher.

### **Homework**

The amount of homework varies with the age of the child and the requirements of the teacher. Please contact the classroom teacher if you have concerns about homework. If your child is absent for only one day, you may call the school to request homework but it is not necessary. However, if your child has a prolonged absence please call for homework. Please give the teacher a half-day notice to get homework together.

### **Insurance**

Insurance information is given to each family at the beginning of the school year. The service is provided through a private agency for your convenience. It is completely optional.

### **Internet Access**

Teachers will provide instruction and guidance on acceptable use of the Internet to all students. The Internet is a teaching tool, and students will be using it to access online reference materials, such as encyclopedias, atlases, magazines, and educational sites to complete assignments. Inappropriate use of the Internet may result in suspension of computer privileges and/or other disciplinary action. Parents may request that their child not use the Internet by notifying the school.

### **INSTRUCTIONAL MATERIALS**

Children attending our elementary school are furnished with all the necessary textbooks and workbooks. Although workbooks are provided, there is a great responsibility on the part of the students to take good care of them. If children deliberately damage books, they are held responsible and must pay the charge that is assessed for the book. The same rule applies to books and media materials that are checked out from the library.

### **Kindergarten Registration**

Each spring our school conducts a kindergarten registration for the next year's kindergarten classes. Your child may enroll in kindergarten if he/she is five years old by September 1 of the current school year. You will need to present a birth certificate at the time of kindergarten registration.

### **Library**

Children attending our elementary school are provided with the opportunity to use the materials located in the school library. There is a great responsibility on the part of the students to take good care of them and follow the procedures set by the school. If a child does not return an overdue book for 4 weeks a bill will be sent to parents for the cost of the book. Damaged books will also be billed for the cost of the book. A book may be renewed if it is brought to the library to be rechecked out. There may be additional classroom/grade policies.

## Lock Down (Safety) Drills

We will conduct five state required drills each school year. Our district follows ALICE procedures.

## Lost and Found

If your child is missing an article of clothing, PLEASE CHECK THE LOST AND FOUND by the office in Appleton and Library in MMN. A few suggestions to help keep track of your child's clothing are:

- ☛ Clearly label your child's coat, hats, boots, mittens, etc. with his/her full name and grade.
- ☛ When an article is lost, don't let time elapse before trying to locate it. Check the lost and found at the school to see if the item has been turned in.
- ☛ Even if the child has searched, if you are in the school it might be worth your effort in giving the lost and found a look over (sometimes a second pair of eyes is helpful!).
- ☛ Lost and Found items will be donated at the end of each quarter.

## Food Service

A well-balanced hot meal is served each day under the direction of our head cook. Cost of a daily meal is \$2.30. Students may bring their own lunch instead of eating hot lunch served in school. Breakfast will be served every morning from 7:50-8:15 a.m. for students desiring to eat. Breakfast is free to all students. Cartons of milk will be available at a cost of \$.35 each. Applications for free or reduced price school meals for children are available at school.

Parents are welcome to eat lunch with their son or daughter. If you do so, ***please call the school in advance*** either the day before or the morning of, as the lunch count will need to be adjusted. The cost of student & adult meals and cartons of milk are published on the LqPV fee sheet enclosed in the back to school pack.

## **Student Lunch/Breakfast Charges**

The Board of Education believes that the responsibility for paying for students' lunch charges rests with the parents/guardians. The Board of Education directs the Superintendent of Schools to establish procedures and structures for the collection of said lunch charges. Families who apply and qualify for free or reduced prices will receive all meals at no charge. The procedure follows:

### SCHOOL MEALS PAYMENT PROCEDURE

1. Meal prices as follows:

	<u>Breakfast</u>	<u>Lunch</u>
Elementary	Free	\$2.45
  
2. Meal payments should be prepaid at the beginning of each month. The minimum monthly payment should be:

Elementary	\$49.00
High School	\$52.00
  
3. **When a balance due for meal charges reaches \$15.00 a student will not be served meals until the balance is paid. The student will need to bring a sack lunch or pay cash until the due balance is settled.**
  - \* **An elementary student and his/her parents will be given 2 days notice.**
  - \* **A high school student will be given 1 day notice.**



4. At the beginning of a new school year, any outstanding balance from a previous school year must be paid or a student will not be served meals. The student will need to bring a sack lunch or pay cash until the past due balance is settled.

5. Families are encouraged to contact the school office for meal account balances, questions or concerns.

6. Milk is \$.45/carton. Milk tickets are available to purchase in the school office at the cost of \$9.00 for 20 milk punches.

At the beginning of the school year, the school provides a plastic ID card for the lunch program to each student. If a card is lost or damaged, the school will supply the student with a replacement. The student will be charged \$5.00 to have it replaced.

At the Appleton-Milan building, students utilize a finger scan system for both breakfast and lunch.

## **Milk Breaks**

Kindergarten students have a milk break. Students in Appleton-Milan are offered fresh fruits and vegetables 3 days a week through a government funded grant.

## **Money**

Except for small amounts, payment by check made out to Independent School District 2853 is preferred. Checks eliminate the problem of money being lost on the way to school. When money is sent with younger children, please put it in an envelope with the child's name and teacher written on the outside and *indicate what the money is payment for.*

## **Newsletter**

A newsletter called Eagles SOAR/Principal Potpourri is sent home with the students at the end of each month for the following month. The breakfast/lunch menu will be included in the newsletter as well as school news items. Please read the newsletter each time. It is also available online at <http://lqpv.org>

## **Nondiscrimination statement**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

## **Outside Recess**

We believe it is healthy for children to get fresh air and play in an outdoor environment where physical activity is not constrained due to building space. Current weather conditions are used to determine if children will have outside recess (-10 wind chill or actual temperature of -10 degrees and students stay inside). Students must wear appropriate winter clothing (boots, snow pants, etc.) during winter weather months to participate in recess. Please dress children appropriately for the weather.

## **Parents and Children Attending School Functions**

When parents accompany children to school functions outside of the school day such as art shows, concerts, assemblies, etc., the school views the parent as the primary party responsible for monitoring behavior of their children. Students are still required to maintain expectations as if it were still the regular school day. Please monitor your child and help them follow school expectations. If not, school personnel are then obligated to help your child follow school expectations.

### **Parties**

During certain times of the year, classrooms may decide to celebrate with a party. Examples of times might be holidays, reaching milestones, achieving goals, recognizing achievements, etc. The nature and extent of the party varies from classroom to classroom.

### **Pets**

Please check with your child's classroom teacher before arranging a visit from a pet. Many reasons may discourage this possibility, from allergies and asthma in children and staff, to phobia of animals and general student safety.

### **Phone Use**

Students may only use phones when given permission by a staff member. We will not allow students to call home to make arrangements to visit a friend. These types of arrangements should be made prior to the visit, and the parent verifying the details of the visit should send a note.

Parents should feel free to call school and are encouraged to communicate with teachers. Please remember that teachers are consumed with children most of their day and likely cannot field a phone call during the school day unless it happens to match their lunch break or when they are preparing lessons or looking at student work. However, we will certainly take a message, or please look on the school's website, <http://lqpv.org/> and click on CLASSES and the teacher's name. Here you will find the best times to contact them.

### **Physical Education**

For participatory purposes and safety, every child needs a pair of tennis shoes for Physical Education classes. Participation in physical education is required unless students have an excuse from a doctor.

### **Picking Up Students**

When a student is picked up from school at the end of the day or for a special appointment, *please check into the office and wait in the designated waiting area by the office. Please do not walk to your child's classroom and wait outside the door or interrupt class* – this can be very disruptive to the learning process and for putting closure to the end of the day. Also, please park in the parking lot, not adjacent to the sidewalk, and walk into the building when you are picking up your child.

### **Pictures**

Students have school pictures taken early in the school year and in the spring. Information will be sent home prior to each Picture Day regarding prices of picture packages so families can make informed decisions regarding the purchase of school pictures.

### **Pledge of Allegiance**

The Pledge of Allegiance is observed daily. If you do not wish your child to participate, please contact the office and we will respect his/her right to decline. In addition proper flag etiquette, display of , respect towards, and general patriotic exercises will be addressed through instruction, lyceums and assemblies, or other activities throughout the school year. This is in accordance with Minn. Stat. 121A.11.

### **Psychologist, Social Worker, Child Guide Team**

Elementary guidance staff is a multi-disciplinary team consisting of the principal, instructional assistant, nurse, speech clinician, learning disability teachers, psychologist and social worker.

These services include the following:

- Testing to find a student's potential
- Consulting and counseling with parents
- Working with school staff and parents regarding special learning or behavior problems
- Referring parents and children to assistive resources in the community
- Counseling students

A child may be referred to the special education staff by any one of a number of people. Often the teacher or team in conjunction makes a referral with parents. A major objective of the psychologist and social worker is to work closely with school staff and home, encouraging good communication and understanding of the child's needs.

An elementary school social worker is available to work with students, parents, and staff in the areas of self-esteem, social development behavior, feelings, etc. She provides entire classroom activities, small groups, individual and family counseling, and consultation. The social worker works closely with teachers and encourages you to contact her if she can help in any way to make this a better year for your child.

## **Report Cards**

Student progress is formally reported after each quarter. Report cards are sent home with the students or may be mailed home.

## **Special Education**

The special education programs at Lac qui Parle Valley include:

- Speech or Language Impairments
- Specific Learning Disability
- Developmental Cognitive Disability
- Emotional/Behavioral Disorders
- Autism Spectrum Disorders
- Developmental Adapted Physical Education
- Occupational Therapy
- Physical Therapy
- Visual and Hearing Impairments

All students referred for special education assessment must have parent permission prior to assessment. After the assessment, parents will be called for a conference to discuss assessment results.

## **Supplies**

Having necessary supplies, especially paper and pencils are important to student learning. Parents are requested to check to make sure their children have all necessary materials. Labeling items helps students keep track of them.

Student supplies lists are available on the school's website at [lqpv.org](http://lqpv.org).

## **Student Visitors**

Student visitors may attend school with a student with special permission from the classroom teacher. It is important to take into consideration whether the visit may interrupt the student's learning. Such visits must be pre-approved by the teacher and principal.

## **Testing**

Currently students in grades 3 and 4 are tested using the Minnesota Comprehensive Assessments (MCAIIIs). These are state mandated tests. More information can be obtained about the tests in general, our district, and our particular school sites by visiting the Minnesota Department of Education's website at <http://education.state.mn.us/>. Parents have the option to refuse to have their students take the statewide assessments. Information and the form to opt-out is available on the district website under Public Notices titled Parent/Guardian Guide to Statewide Testing.

The dates of the Reading MCA IIs are determined by the State Department of Education and our local school district and generally take place in late April. MCAIIIs Math tests will be in May.

In addition, Star Assessments are given to all grades for math and reading.

**We ask that if at all possible students be in school on these dates. Please try to schedule appointments, vacations, and activities around these days as we have no flexibility with the state determined schedule.**

### **Title I Reading Support**

Some students need additional help in the basic reading skills. Title I is a federal program available for students who meet federal and local Title I qualifications. The instruction is carried out by certified teaching staff. You will be contacted if your child meets these qualifications.

### **Vacations**

The school calendar is published several months in advance. If at all possible we ask that you plan family vacations around the school calendar, especially during testing dates (see Testing). If you wish to take a child out of school for a family vacation, the teacher, as well as the office, must be contacted. Many school activities cannot be made up. Students will be responsible for completing assignments during or as soon as possible after their return.

### **Visiting School**

Parents and community members are most welcome as visitors. Arrangements should be made in advance with the classroom teacher. Please stop at the school office before you visit the classroom. If you wish to have a special conference with your child's teacher, make arrangements through the office. Please do not interrupt class. Exceptions may be made for special circumstances. Please see the Visitors Policy on the LQPV website.

### **Web site**

Our district website can be found at <http://lqpv.org/>. Here you can access this handbook, monthly newsletters, school information, and classroom information. Appleton~Milan Elementary School and MMN Elementary School can be found by selecting Appleton~Milan Elementary from the drop-down menu at the top of the page labeled Schools.

### **Withdrawing a Student**

Please notify the teacher and the school office at least three days prior to withdrawing your student when moving out of our school district. You are asked to indicate the last date of attendance and the name of the new school or school district. This will enable us to properly close our school records on your child.

## Appendix

- I. INDEPENDENT SCHOOL DISTRICT 2853 WEAPONS POLICY
- II. INDEPENDENT SCHOOL DISTRICT 2853 POLICY PROHIBITING HARASSMENT AND VIOLENCE
- III. INDEPENDENT SCHOOL DISTRICT 2853 RELIGIOUS, RACIAL OR SEXUAL HARASSMENT AND VIOLENCE REPORT FORM
- IV. INDEPENDENT SCHOOL DISTRICT 2853 BULLYING PROHIBITION POLICY
- V. TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

INDEPENDENT SCHOOL DISTRICT 2853  
WEAPONS POLICY

No student shall possess a weapon when in the school building, on school grounds, or on any school-sponsored trip or activity. "Possession": refers to having a weapon on one's person or in an area subject to one's control on school property or at a school trip/activity.

"Weapons" are identified in two categories:

(1) articles commonly used or designed to inflict bodily harm and/or intimidate other persons. Examples are: firearms, whether loaded or unloaded; knives; clubs; metal knuckles used in a threatening manner; nunchucks; throwing stars; explosives, stun guns, ammunition; chains; pellet guns; look-alike guns; and other non functioning guns that could be used to threaten others;

(2) articles designed for other purposes but which are actually used to inflict bodily harm and/or intimidate. Examples include, but are not limited to: belts, combs, pencils, files, scissors, compasses, broken glass, clubs, bats and letter openers.

(3) Expulsion for Possession of Firearm - Minnesota State Crime Bill 1995

(a) Notwithstanding the time limitation in section 127.27, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is defined in United States Code, title 18, section 921.

(b) Notwithstanding chapter 13 a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph "a" may be disclosed by the school district initiating the proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

A student who finds a weapon on the way to school or in the school building and immediately notifies the principal's office shall not be considered to possess a weapon.

Minimum corrective action shall include initial suspension for up to ten days, confiscation of weapons, notification of police, and parental notification.

If the student has an IEP, the IEP Team will meet to make further recommendations for disposal of the incident. This may be a recommendation to the School Board for exclusion or expulsion.

If the student does not have an IEP, an Assessment Team composed of building administration, counseling office staff, teacher representatives and a law enforcement representative will meet to make further recommendations for disposal of the incident. This may be a recommendation to the School Board for exclusion or expulsion.

INDEPENDENT SCHOOL DISTRICT 2853  
POLICY PROHIBITING HARASSMENT AND VIOLENCE

I. GENERAL STATEMENT OF POLICY

It is the policy of District 2853 (the "School District") to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The School district prohibits any form of religious, racial or sexual harassment and violence.

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the District.)

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.

The School District will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

II. RELIGIOUS, RACIAL AND SEXUAL HARASSMENT AND VIOLENCE DEFINED

A. Sexual Harassment; Definition 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:

- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
- (ii) 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
- (iii) 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.

Sexual harassment may include but is not limited to:

- (i) unwelcome verbal harassment or abuse;
- (ii) unwelcome pressure for sexual activity;
- (iii) 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;
- (iv) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;

- (v) 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
- (vi) unwelcome behavior or words directed at an individual because of gender.

B. Racial Harassment; Definition Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

- (i) has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- (iii) otherwise adversely affects an individual's employment or academic opportunities.

C. Religious Harassment; Definition Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

- (i) has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- (iii) otherwise adversely affects an individual's employment or academic opportunities.

D. Sexual Violence; Definition 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 Minnesota Statutes Section 609.341, include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

- (i) touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- (ii) coercing, forcing or attempting to coerce or force the touching of any one's intimate parts;
- (iii) coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another, or
- (iv) threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

E. Racial Violence; Definition Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

F. Religious Violence; Definition Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

G. Hazing Definition; "Hazing" means committing an act against a student, or coercing a student into committing an act that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose.

H. Assault; Definition Assault is:

- (i) an act done with intent to cause fear in another of immediate bodily harm or death;
- (ii) the intentional infliction of or attempt to inflict bodily harm upon another, or
- (iii) the threat to do bodily harm to another with present ability to carry out the threat.

### III. REPORTING PROCEDURES

Any person who believes he or she has been the victim of religious, racial or sexual harassment or

violence by a pupil, teacher, administrator or other school personnel of the School District, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate School District official designated by this policy. The School district encourages the reporting party or complainant to use the report form available from the School district office, but oral

reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a District Human Rights Officer.

A. In Each School Building. The building principal is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence at the building level. Any adult School District personnel who receives a report of religious, racial or sexual harassment or violence shall inform the building principal immediately.

Upon receipt of a report, the principal must notify the School District Human Rights Officer immediately, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any harassment

or violence report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the School District Human Rights Officer by the reporting party or complainant.

B. In the District The School Board hereby designates Greg Schmidt as the School District Human Rights Officer(s) to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the Board Chairperson. The School District shall conspicuously post the name of the Human Rights Officer(s), including mailing addresses and telephone numbers.

C. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.

D. Use of formal reporting forms is not mandatory.

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

#### IV. INVESTIGATION

By authority of the School District, the Human Rights Officer, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District.

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.

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.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged religious, racial or sexual harassment or violence.

The investigation will be completed as soon as practicable. The School District Human Rights Officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### V. SCHOOL DISTRICT ACTION

A. Upon receipt of a report, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and Federal law and School District policies.

B. The result of the School District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District in accordance with state and federal regulations regarding data or records privacy.

#### VI. REPRISAL

The School District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged religious, racial or sexual harassment or violence 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 or harassment.

#### VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

#### VII. HARASSMENT OR VIOLENCE AS ABUSE

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. Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged harassment, violence or abuse.

#### IX. DISSEMINATION OF POLICY AND TRAINING

A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.

B. This policy shall appear in the student handbook.

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

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

Religious, Racial, and Sexual Harassment and Violence are against the Law.

Discrimination is against the Law.

CONTACT: HUMAN RIGHTS OFFICER  
Mr. Greg Schmidt, Superintendent  
Lac qui Parle Valley School District  
2860 291<sup>st</sup> Ave  
Madison, Minnesota 56256  
320-752-4205

*INDEPENDENT SCHOOL DISTRICT 2853*  
RELIGIOUS, RACIAL OR SEXUAL HARASSMENT AND VIOLENCE REPORT FORM

General Statement of Policy Prohibiting Religious, Racial or Sexual Harassment

Independent School District 2853 maintains a firm policy prohibiting all forms of discrimination. Religious, racial, or sexual harassment or violence against students or employees is discrimination. All persons are to be treated with respect and dignity. Sexual violence, sexual advances or other forms of religious, racial or sexual harassment 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) \_\_\_\_\_

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) \_\_\_\_\_

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—

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.

\_\_\_\_\_  
(Complainant Signature) (Date)

\_\_\_\_\_  
(Received by) (Date)

## **514 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 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 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 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 school's primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate referrals to special education of students who may engage in 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 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 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.

### **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 date 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 if the student-respondent poses such a threat, it will 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 students 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 information 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 *[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 employees, and employee unions.**

**B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work email 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. 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**

***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.11 (Right to Elect Against Saying Pledge of Allegiance)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. § 124D.10 (Charter School)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)  
Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal 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 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 School Buses)

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)