

2026-27

Student Rights & Responsibilities

District-Wide Student Expectations

South St. Paul Public Schools

Table of Contents

3 District Leadership and School Board

4 District Sites and School Leadership

5 District Mission and Core Values

6 General Principals and Strategies

8 Student Code of Conduct

8 Responses to Violations of Student Code of Conduct

9 Behavior Guidelines, Expectations, and Consequences

10 Behavior Practices: Leveled Violations & Impact on Community

Definitions of Behavior Categories and Disciplinary Responses

13 Disruptive Behavior

14 Bullying and Harrassment

16 Physical Aggression

17 Other Disciplinary Concerns

22 Discipline Guidelines for Students with Special Needs

23 Student Bus Rider Responsibilities

25 Student Use of Personal Electronic Devices

26 Frequently Asked Questions

28 Summary of Additional District Policies

Translations

Upon request, the district will make the Student Rights & Responsibilities Handbook available in languages other than English. If you would like to receive this information in another language, please contact your school. All handbooks can be translated into more languages on the website at https://www.sspps.org/resources/handbooks.

Si usted desea recibir esta informacion en español, por favor contactese con su escuela.

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Yihinini mereja besipanīshi lemek'ebeli kefelegu ibakiwoni timihiriti bētiwoni yanegagiru

Welcome to the 2026-27 School Year!

Dear SSPPS Families,
At South St. Paul Public Schools (SSPPS), our top priority is to create a safe, welcoming, and culturally inclusive environment for all students and staff. We are dedicated to supporting our students so they can remain engaged and succeed both personally and in their educational journey here at SSPPS.

The Student Rights and Responsibilities Handbook is an essential tool that helps us achieve our mission to engage, educate, and empower! To do this, we are committed to fostering a learning environment based on mutual respect, problem-solving and restorative practices among all students and staff across all of our schools. Working together with the School Board, we have developed comprehensive policies and procedures that outline the rights and responsibilities of our students, ensuring a positive and supportive learning environment. This handbook is a resource for students, families and staff in understanding these policies and how they align with district expectations.

Our staff will review this information with students at the start of the school year. We encourage you to also review this important document and discuss it with your students(s) to reinforce its significance.

Most importantly, thank you for your continued partnership as we strive to prepare every student for their future. Together, we can help our students stay engaged and take full advantage of the numerous learning opportunities available to them each day.



Sincerely,
Brian Zambreno, Ed.D.
Superintendent
South St. Paul Public Schools

SSPPS School Board



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District Leadership

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District Sites and Leadership



Community Education and Early Learning

Central Square Community Center: 100 7th Ave N, SSP
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Kaposia Education Center (Grades PreK-5)

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Lincoln Center (grades PreK-5)

357 Ninth Avenue North, South St. Paul, MN 55075
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SSP Secondary (grades 6-12)

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Middle School

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SSP Community Learning Center (grades 11-12)

710 - 19th Avenue North, South St. Paul, MN 55075
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Robin Schwab
State-Approved Alternative Programming Coordinator
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District Mission and Core Values

Mission
Engage, Educate, Empower!

Vision
Nurturing an inclusive Packer community of lifelong learners

Strategic Priorities

Packer Performance
Fostering Growth and Achievement

- **Focus on Growth:** Cultivate an environment that encourages continuous improvement, academic success, and high performance.
- **Support Staff Excellence:** Empower and support staff as they learn and collaborate to drive student achievement.
- **Expand Opportunities:** Offer diverse academic and extracurricular experiences that inspire curiosity, critical thinking, and personal growth.

Packer Pride
Celebrating Core Values and Community

- **Align Actions with Core Values:** Ensure every decision and action reflects our commitment to our community values of Pride, Respect, Resilience, Integrity, Collaboration, and Equity.
- **Promote District Strengths:** Showcase what makes our district unique and welcoming, attracting students, families, and staff.
- **Celebrate and Promote Hard Work and Engagement:** Recognize and appreciate the dedication of students, families, staff, and community members in fostering a thriving and supportive educational environment.

Packer Promise
Cultivating Inclusive Opportunities for All

- **Cultivate a Welcoming Environment:** Build a safe, inclusive, and supportive learning community where everyone feels valued and heard.
- **Communicate Transparently:** Foster trust by delivering clear, consistent, and transparent communication that encourages engagement and strengthens relationships.
- **Expand Pathways to Success:** Provide diverse opportunities for students to explore their academic and personal goals, unlocking their full potential for success in school, careers, and life.
- **Foster Belonging:** Strengthen connections through shared experiences that create a sense of pride and belonging within our schools and community.

SSPPS Core Values

Pride
A welcoming, inclusive and supportive Packer community that honors and celebrates its rich history while collectively inspiring new traditions.

Respect
Recognizing and celebrating the goodness in oneself and others, seeing our differences as strengths and showing care and appreciation for people, property and the entire South St. Paul community.

Collaboration
Building community together through trust, hard work, innovation, and a shared commitment to building the South St. Paul that our community aspires to be.

Integrity
Being thoughtful, honest, transparent in our words, and actions, and accountable for our decisions.

Resilience
The courage to adapt, change and persevere when presented with challenges and opportunities.

Equity
A safe and supportive environment that provides opportunities for all to be seen, heard, and valued.



General Principals and Strategies

At South St. Paul Public Schools (SSPPS), our top priority is to create a safe, welcoming, and culturally inclusive environment for all students and staff. We are dedicated to supporting our students so they can remain engaged and succeed both personally and educationally here at SSPPS.

We aim to foster a learning environment based on mutual respect, problem-solving, and restorative practices among students and staff at every school. Our approach is informed by evidence-based research using a variety of strategies aimed at fostering a positive and supportive learning environment.

International Baccalaureate (IB) Diploma Program (DP)

SSPPS offers a rigorous academic program for students in grades 11 and 12. It focuses on creativity, innovation, self-discipline and the ability to function as part of a team. The Diploma Program consists of a common pre-university curriculum and a common set of external exams for students in schools throughout the world. It seeks to provide students with an international education that encourages an understanding and appreciation of other cultures and societies. Visit our website at For more information on the IB-DP program, contact:

Conrad Anderson, SSP Secondary School IB-DP Coordinator
(651) 457-9454 I canderson@sspps.org

Multi-Tiered Systems of Support (MTSS)

MTSS is a framework to make sure students get what they need socially, emotionally, behaviorally, developmentally, and academically. At SSPPS, we provide students access to layers of support with the understanding and belief that every student can learn and thrive. In addition, MTSS engages an anti-bias and socially just approach to examining policies and practices. There are five core components in the framework.

The framework for MTSS in SSPPS includes:

- Infrastructure for Continuous Improvement
- Family and Community Engagement
- Multi-Layered Practices and Support
- Assessment
- Data-Based Decision Making

Each building in SSPPS has universal screening in place to review students who may be at risk for not making progress without intervention or support. Teams at each building review academic, social, emotional, and behavioral data to determine supports for students. If students are not making progress, then each building has an Individual Student Team (IST) that meets with the goal of understanding the student's specific needs and developing a plan to matched to the needs.

Talent Development and Advanced Academics

SSPPS offers a K-8 Talent Development program that provides equitable access in developing talents in students of all abilities, races, ethnicities, languages, gender, and socioeconomic circumstances. This initiative is aimed at nurturing and honoring the unique talents and abilities of all our students while providing depth, complexity, and acceleration to students who need advanced instruction. At its core, this program is designed to not only identify, cultivate, and celebrate the diverse strengths of each of our students, but to provide specialized opportunities and tailored support as we aim to empower each student to reach their full potential and excel both academically and personally. Through this program, we envision a learning environment where every student feels inspired, valued, and equipped to thrive.

Program Priorities

- Identifying and nurturing strengths and interests for all students
- Ensuring all students have the opportunity to enhance their critical thinking skills and develop high level educational routines
- Respecting students knowledge and empowering them to actively engage in their academic pathway
- Elevating the depth, complexity and acceleration to students who need advanced instruction
- Provide supplementary enrichment opportunities for support and success

Positive Behavior Intervention and Supports (PBIS)

PBIS is a framework that assists schools in identifying and implementing research-based behavioral interventions in an effort to improve social and academic outcomes for all students. PBIS is based on the idea that students learn appropriate behavior through instruction, practice, feedback, and encouragement. Key features of PBIS include: outlining a clear set of defined positive expectations and behaviors, the teaching of expected behaviors, recognition

of meeting expected behaviors, monitoring and correcting errors in behaviors, and using data-based information for decision-making, monitoring, and evaluating results at individual school sites.

Building Assets, Reducing Risks (BARR)

BARR is a strengths-based educational model that will provide our grades 9-12 with a comprehensive method to address the academic, social, and emotional needs of all students through the power of data and relationships. By putting relationships first, the BARR model allows students and teachers to connect more powerfully with each other. A key component is the weekly lessons focused on helping students learn and practice life skills. Called “I-Times,” these lessons focus on building skills in self-management, communication, social, research, or thinking

Catalyst Approach

Catalyst is committed to empowering students and staff to recognize themselves as leaders with a responsibility to learn, grow, and contribute to a culture where everyone plays a role in building relationships and disrupting inequity. Guided by the vision that every student is surrounded by leaders who understand, nurture, inspire, and support them, Catalyst promotes a community grounded in leadership, connection, equity, and service. Through its core values, Catalyst encourages individuals to seek leadership opportunities in everyday moments, build strong relationships, advocate for equity, speak up with courage, persevere through challenges, inspire others through service, and consistently provide high-quality support and experiences.

Conscious Discipline (CD)

CD is an innovative social-emotional learning and classroom management program with a proven track record of sustainable results. Used in our Early Learning Programming, CD provides an array of behavior management strategies and classroom structures that teachers can use to turn everyday situations into learning opportunities. By integrating social-emotional learning, discipline and self-regulation, educators spend less time policing behavior and more time teaching vital life skills. This method eliminates the need for reward and punishment-style discipline and instead gives children a voice, empowering them with the ability and help to achieve behavioral goals, while also creating stronger communication within families.

Each school site has a leadership team responsible for creating specific school-wide examples of appropriate behavior and academic interventions based on the framework of MTSS. By braiding the research-based principles and proven strategies including PBIS, BARR, and Conscious Discipline, SSPPS hopes to better ensure safe and supportive learning environments at all levels, early learning through graduation

Student Code of Conduct

Student Bill of Rights and Responsibilities

Rights	Responsibilities
You have the **RIGHT** to be treated with respect and dignity by your fellow students, teachers and other school employees without regard to race, religion, sex, sexual orientation including gender identity and expression, age, disability or family structure.	You have a **RESPONSIBILITY** to treat your fellow students and all school employees with respect.
You have the **RIGHT** to be treated as a unique individual with different needs, learning styles and abilities.	You have a **RESPONSIBILITY** to complete assignments to the best of your ability and to adapt to different teachers and teaching styles.
You have the **RIGHT,** along with your parents, to participate in decisions affecting your educational program	You and your parents have a **RESPONSIBILITY** to actively participate in conferences and meetings held on your behalf.
You have the **RIGHT** to a comprehensive curriculum.	You have a **RESPONSIBILITY** to take advantage of the curriculum.
You have the **RIGHT** to expect a building environment that is safe, clean and comfortable.	You have a **RESPONSIBILITY** to do your part in maintaining the safety, cleanliness and comfort of that environment.
You have the **RIGHT** to attend classes where dedicated, caring teachers are well prepared to teach.	You have a **RESPONSIBILITY** to be well prepared to learn.

It is the responsibility of the School Board to set reasonable policies and rules for governing behavior and conduct while in the school environment. These policies and rules apply any time a student is present on district property, at a school-sponsored activity, and while traveling in district vehicles.

In addition, students who are participants in district activities need to understand the behavioral expectations and consequences for violations as outlined by the Minnesota State High School League and the district related to chemical use, hazing or any other infraction covered by the High School League or district policies or rules.

While this policy pertains to all schools in the district, the School Board recognizes the uniqueness of each building and classroom in which the policy must be implemented. This policy may be supplemented by additional policies, rules and procedures that recognize those unique needs.

Responses to Violations of Student Code of Conduct

The SSP School Board has adopted Policy 506, which outlines the School Board's expectations for student behavior and a Student Code of Conduct outlining examples of unacceptable student behavior. A copy of Policy 506 is included in the Appendix to this handbook. This Student Rights & Responsibilities Handbook incorporates the expectations outlined in Policy 506 and provides information regarding how SSPPS administration enforces the provisions of Policy 506 as well as other behavior-related policies (i.e. policies on bullying, violence and harassment).

Students must follow the provisions of Policy 506 and this Rights and Responsibilities Handbook before, during, and after school. The expectations outlined in Policy 506 and this Rights and Responsibilities Handbook apply inside school buildings, on school grounds, and at school-related activities and events. Students must also follow these expectations on school buses or vans and at bus stops. An off-campus violation of these expectations may result in disciplinary action taken by SSPPS if the violation has a direct and immediate effect on school discipline or the general safety and welfare of students or if the violation is a continuation of or has a connection with misconduct that occurred on school grounds or at a school event.

The general practice of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in a discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district.

Behavior Guidelines, Expectations, and Consequences

Every student and employee of South St. Paul Public Schools is entitled to learn and work in a safe school environment that is aligned with the core values, mission, and vision of the district. Parents/guardians, teachers, staff and administrators are expected to mutually support each other in efforts to help students exhibit responsible behavior within the school community as part of learning basic life skills. Students are taught ways to handle differences in a non-violent manner and are expected to use those methods to handle disputes or conflicts. Our desire is that every child that comes to our school has the right to feel safe and free to be who they are without feeling any more or less significant than any other student in school.

To ensure this safe environment, the district and each school have established clear student discipline policies, consequences appropriate to behaviors, and a practice to implement these guidelines fairly. Students are expected to behave in accordance with federal, state and local laws, district policies and guidelines, and in a way that respects the rights and safety of others.

The following are district-wide discipline guidelines. These guidelines and the potential consequences apply any time a student is present on district property, participating in a school-sponsored activity, or traveling in a district vehicle. These guidelines and the potential consequences also apply to student behavior that has a connection to school property or the student's status as a district student. Student conduct that occurs off-campus, but has a connection to the school environment, may form the basis for school discipline. This specifically includes activities that occur off-campus over the internet, on social media, or through other communications. Listed are the violations and the recommended consequences; although all determinations will be made on a case-by-case basis. Minnesota State High School League consequences may also apply in accordance with its rules and district policy.

A student who accumulates excess violations of these disciplinary guidelines or for serious behavior may be disciplined in light of the student's overall record. The student and parent/guardian will have a conference with the principal and/or other(s) to make them aware that the student is accumulating excessive infractions. ***Any student who has been suspended for violations of the guidelines may be recommended for expulsion upon their return if they commit additional offenses of the same nature.***

The general practice of the district regarding disciplinary action is to use a progressive and restorative form of discipline to the extent that is reasonable and possible based on the determined facts and situation of the student misconduct. The specific form of discipline utilized is at the discretion of the building principal. At a minimum, violation of district rules, regulations, policies or procedures will result in a discussion of the infraction, verbal warning by school administration, and some restorative action by the student. Note that infractions and consequences may also be modified or disregarded if circumstances require mitigation or exception (e.g., student whose misbehavior is related to their disability). These discipline guidelines are based on school policies, located on the district's website at sspps.org/policies.

Behavior Definitions and Consequences

It is the general policy of the school district to utilize progressive discipline to the extent reasonable. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. The school district shall, however, impose more severe disciplinary sanctions for a violation, including suspension or expulsion, if warranted by the student's misconduct. **The following consequences provide a guideline for violations of school rules and policies. Additionally, each situation is reviewed on a case-by-case basis, taking into account the student's age or developmental ability, and where appropriate, restitution or restorative practices are employed to help students learn and grow from their mistakes.**

Behavior Practices: Leveled Violations & Impact on Community

Parents/Guardians and Students

Levels of Behavior

Behaviors are divided into four levels with examples of strategies and responses, which:

- Teach positive behavior so students can learn and be kind, responsible and safe
- Maintain the continuity of the student's instruction within the classroom and broader school community.
- Ultimately focus on repairing harm, restoring relationships, teaching replacement skills, and changing behavior

Level 1 reflects minor behaviors and Level 4 reflects most serious behaviors. The DR column denotes behaviors that are State Reportable through the Discipline Incident Reporting System of which a student may be assigned an in-school or out-of-school suspension.

Factors to Consider Prior to Determining the Disciplinary Response

School staff must consult this document when determining disciplinary measures. In determining how best to address inappropriate behavior, it is necessary to evaluate the totality of the circumstances surrounding the behavior. The following must be considered prior to determining the appropriate disciplinary measures:

- The student's age, maturity, culture, and developmental level
- The student's ability and/or willingness to repair the harm caused by their behavior
- The student's disciplinary record including the nature of any prior misbehavior, the number of prior instances of misbehavior, and the staff strategies and responses applied for each
- The nature, severity and scope of the behavior
- The circumstances/context in which the conduct occurred
- The frequency and duration of the behavior
- The number of persons involved in the behavior
- The impact of the behavior on the school community
- The social-emotional status/needs of all persons involved in the behavior
- The student's Individualized Education Program (IEP), Positive Behavior Support Plan (PBSP), Safety Plan and/or 504 Accommodation Plan, if applicable

Level 1

Level 1 primarily focuses on student behaviors which are minor in effect and are addressed at the classroom level. The staff response is to first self-regulate and then prompt, re-teach or practice the expected behavior so students learn and demonstrate kind, responsible and safe behaviors. Staff members are expected to use a variety of teaching and management strategies.

Examples of Strategies and Leveled Responses:

- Re-teach/review SEL/behavior skill
- Discuss behavior in private
- Seat change
- Role-play SEL/behavior skill
- Daily progress sheet on behavior
- Break from class to another supervised classroom (less than 15 minutes)
- Parent/guardian communication
- Restitution
- Loss of privileges
- classroom community service
- Reflective activity
- In-class time out

Level 2

Level 2 primarily focuses on behavior incidents that impact individuals and the school community. The staff response is to first self-regulate/ ensure safety and then prompt, re-teach or practice the expected behavior so students learn and demonstrate kind, responsible and safe behaviors. Level 2 behavior incidents include: 1) repeated or significant incident(s) of Level 1; 2) unexpected behavior towards another student, staff, volunteers, etc; 3) behavior that is generally managed with a brief strategy by an adult present in that setting, and may include additional brief contact with support staff such as Dean, Social Worker, Student Support Assistant, Assistant Principal, Principal, or other trusted adult.

Examples of Strategies and Leveled Responses:

- **Use of lower-level strategies and responses**
- Parent/guardian communication
- Loss of classroom/setting privileges
- Assigned seat on bus
- Implement a 2x10 strategy
- Teacher/student problem solving conference
- Restorative practices
- Conflict resolution
- Restitution (fix-it plan)
    - Reflective activity
    - Apology
    - Peer mediation
    - School community service
- Behavior contract: expected student behaviors/consequences and incentive
- Referral to formal Check-In/Check-Out plan with adult
- Referral to school based, skill building group
- Loss of transportation (bus) privileges for behavior on the bus (unless conflicting with IEP)
- In School Suspension
- Potential police notification

Level 3

Level 3 behavior incidents are more serious in impact safety and learning and are usually addressed outside the classroom by the student support team. These actions aim to correct behavior by stressing the seriousness of the behavior while providing access to educational programming.

Examples of Strategies and Leveled Responses:

- **Use of lower-level strategies and responses**
- Loss of classroom/setting privileges
- Restorative practices
- Parent/guardian and/or staff conference
- Contract between teacher, student and parent/guardian
- Restitution for property incidents
- Referral to building SRT or BARR team
- Change in schedule
- Referral to outside resources
- Removal from classroom
- Alternate in-school educational programming, during which school work is completed, for less than half a day
- In-school suspension, during which school work is completed
- Out of school suspension
    - Suspension re-entry
- Dismissal
- Collaborative conversation with district support team
- Threat Assessment
- Potential police notification

Level 4

Level 4 behavior incidents have a more serious impact and are addressed outside the classroom, by the school and/or district administration for additional support. The school's response may include the recommendation of expulsion. These strategies or responses focus on maintaining the safety of the school community and ending self-destructive and/or dangerous behavior.

Examples of Strategies and Leveled Responses:

- **Use of lower-level strategies and responses**
- Parent/guardian conference
- Restitution for property incidents
- Check in/process with staff
- Out of school suspension
- Collaborative conversation with district support team
- Referral to building SRT or BARR team
- Referral to outside resources
- Monetary restitution
- Potential police notification
- Interim alternative educational placement
- Expulsion or exclusion (an act of the Board of Education)

Reporting Requirements

Reporting Requirements to the MN Department of Education through the Disciplinary Incident Reporting System (DIRS)

Districts are required to report the incidents marked with a D.R. (DIRS Reporting) in the tables below and the following disciplinary actions:

1. There is a school disciplinary action involving a student, including:
   - In-school Suspension;
   - Out-of-school Suspension;
   - Expulsion (report within 30 days of effective date);
   - Exclusion (report within 30 days of effective date);
   - Administrative Transfer;
   - Offender Requested to Transfer within the School District;
   - Offender Requested to Transfer to Another District;
   - Offender Withdrew from School;
   - Unilateral Removal to An Alternative Educational Setting; or
   - Removal by Hearing Officer on Determination of Likely Injury.
2. A student is referred to law enforcement as a result of a school-related incident, regardless of the disciplinary outcome.
3. A student is arrested as a result of a school-related incident, regardless of the disciplinary outcome.
4. Possession or use of a dangerous weapon in a school zone, regardless of the disciplinary outcome.
5. Physical assault of a district employee, including all teachers and staff, by a student (report within 30 days of assault), regardless of disciplinary outcome.

Definitions of Behavior Categories an Disciplinary Responses

Disruptive Behavior					
Definition	**Additional Information**	**L1**	**L2**	**L3**	**L4**
Inappropriate Language – Students are expected to use language that is appropriate in an educational setting. The use of inappropriate language includes language when not directed at a specific person and involves profanity, general sexual connotations or innuendo, put-downs to a particular group of people, or is otherwise not appropriate for a school setting. Isolated references to alcohol, drug and tobacco use, or other illegal behavior, will be inappropriate language, unless the references are made for an educational purpose in connection with an assignment from a classroom teacher.		X			
Sexual Inappropriate Behavior/ Misconduct – Sexual misconduct includes verbal and nonverbal attempts to initiate sexual contact with another person and any form of touching of a sexual nature, with or without consent of the other party. Sexual misconduct also includes exchanging pornographic, obscene, or otherwise sexually suggestive photographs or messages with another person, including behavior commonly referred to as "sexting." Pornographic material or pornography is defined as material (such as writings, photographs, or videos) depicting sexual activity or erotic behavior in a way that is designed to arouse sexual excitement.				X	
Abusive Language, Verbal Abuse – Abusive language consists of verbal abuse directed at a specific person, such as a teacher, staff member or classmate. Verbal abuse is the improper or excessive use of language to humiliate someone, to undermine someone's dignity, or to undermine someone's authority. Profanity and insults specifically directed at an individual are considered bullying or harassment.				X	

Bullying and Harassment					
Definition	**Additional Information**	**L1**	**L2**	**L3**	**L4**
Bullying – Per Policy 514 and Minn. Stat. §121A.031, bullying means intimidating, threatening, abusive or harming conduct that is objectively offensive and 1. There is 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. *"Intimidating, threatening, abusive, or harming conduct"* includes, but is not limited to, conduct that: 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, gender, age, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity or 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.	The term, "bullying," specifically includes **Cyberbullying** - 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. ***To report an incident of bullying, students and/or families should contact their building administrator.***			**X**	
Discrimination – School Board Policy 102 states that the purpose of the policy is to ensure that an equal educational opportunity is provided for all students. To that end, SSPPS prohibits students from engaging in acts of discrimination on the basis of race, color, creed, religion, national origin, sex, gender, marital status, parental status, status with regard to public assistance, disability, sexual orientation including gender identity and expression, or age.				**X**	

Definition	Additional Information	L1	L2	L3	L4
Harassment – School Board Policy 413 prohibits acts of harassment and violence on the basis of race, color, creed, religion, national origin, sex, sexual orientation including gender identity and expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. Policy 413 generally defines harassment as behavior that consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, sexual orientation including gender identity and expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct: 1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or 3. Otherwise adversely affects an individual's employment or academic opportunities. Students may not use microaggressions, which are verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership, often about race.				X	
Hazing – School Board Policy 526 specifically addresses hazing. Hazing is defined as 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 school-related purpose. The term hazing includes, but is not limited to: 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body; 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school; and 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of SSPPS policies or regulations.					X

Physical Aggression					
Definition	**Additional Information**	**L1**	**L2**	**L3**	**L4**
Horseplay and Play Fighting – Horseplay and play fighting involves no intent to harm. Behaviors include, but are not limited to, the following: (1) pretending to hit, punch, kick, or otherwise make physical contact with another individual; (2) pranks; (3) rough or boisterous play involving physical contact; and (4) running in the building.			X		
Inappropriate Physical Contact– Students are expected to keep their hands to themselves. Intentionally touching or making physical contact with another individual, without that individual's permission, is not allowed. The contact may or may not involve harm.			X		
Physical Aggression - An intentional act by a student resulting in bodily harm. Students engage in non-serious but inappropriate physical contact, such as pushing and intimidation. Physical aggression is defined as hitting, kicking, pushing, shoving, tripping, and other similar acts of physical conduct carried out with an intent to cause harm to another individual. Physical aggression does not include conduct that falls within the definition of horseplay, play fighting, or fighting.				X	
Fighting – It is the policy of the school district to maintain a learning environment that is safe and free from fear and violence. Fighting is defined as intentionally hitting, kicking, punching, pushing, shoving, or tripping another individual who is a mutual combatant (both parties participate) in a physical altercation involving two or more people. Fighting is distinguishable from physical aggression because physical aggression does not involve a mutual combatant. School district administrators possess the discretion to determine what conduct constitutes a "fight" or an "assault."				X	
Group Violence - Students should interact in a positive manner with their peers. Students must not plan, instigate or participate with another or others, in an incident of group violence. This includes but is not limited to physical aggression, fights, riots, assault, gang-related activities and cyberbullying. Group violence can occur on school grounds, during school-sponsored events, or through electronic means.				X	
Threat of Violence – Threats of violence are either direct or indirect threats to commit an act of violence for the purpose of causing serious inconvenience or disruption in the school environment or to cause the evacuation of a school building, event, or vehicle. A bomb threat or school shooting is an example of a threat of violence. Students may not engage in any behaviors that meet the Minn. Stat. 609.713 definition of terroristic threats.					X

Definition	Additional Information	L1	L2	L3	L4
Assault - Assault is doing an act with intent to cause fear in another of immediate bodily harm or death or intentionally inflicting or attempting to inflict bodily harm upon another.					X
Sexual Assault – Sexual assault is any type of sexual contact or behavior such as rape, fondling, or molestation that occurs without the explicit consent of the individual who is the recipient of the contact or behavior. Students of all genders can be victims of sexual assault.					X

Other Disciplinary Concerns

Definition	Additional Information	L1	L2	L3	L4
Alcohol, Chemicals, Prescription, Over the Counter (OTC) products or Controlled Substances , Illegal Drugs- Possession/ Use – Students may not possess or use controlled substances, including but not limited to, any narcotic drug, inhalant, hallucinogenic drug, toxic or mood-altering substances, intoxicating beverage, tobacco (including e-cigarettes, pipes, etc.), items regarded as a drug, or any paraphernalia associated with controlled substances.The unauthorized use of prescription drugs is strictly prohibited on school property, on the school bus, or at any school-sponsored extracurricular activity or event.					X
Alcohol, Chemicals, Prescription, Over the Counter (OTC) Drugs or Controlled Substances, Soliciting/ Selling - Students may not purchase, intent to purchase, sell, intend to sell, distribute, and/or give away controlled substances, including but not limited to, any narcotic drug, inhalant, hallucinogenic drug, toxic or mood-altering substances, intoxicating beverage, tobacco (including e-cigarettes, pipes, etc.), items regarded as a drug, or any paraphernalia associated with controlled substances.					X
Arson – Arson is the unauthorized, intentional burning of one's own property or someone else's property. Students must not plan and/or participate in malicious burning of property. The use of a combustible or flammable liquid is prohibited. Minn. Stat. 609.561-5632 (arson in 1st through 5th degrees).					X
Attendance, Tardiness, Truancy – In addition to the compulsory attendance mandate of state law, the school board recognizes and emphasizes the intrinsic value of attendance each school day by each student. It enables every student to profit to the maximum degree from the enhanced learning environment that full attendance promotes. Compulsory attendance policies for students under the age of 17 years will be applied in cases of chronic absence or tardiness. Parental notification will occur when a student is determined to be truant by the school. A student under the age of 17 years with seven or more unexcused absences may be referred to appropriate services. ***Attendance disciplinary action is outlined in the district's attendance policy (Policy 503).***	All students are expected to be on time for class. A student is tardy when they are not present in class and prepared to receive instruction at the scheduled start time of the class. Elementary students may be considered tardy if they are not on time for school at the beginning of the school day.	X			

Definition	Additional Information	L1	L2	L3	L4
Dishonesty/Academic Dishonesty - Students are expected to tell the truth. A student is dishonest when they do not tell the truth or provides information that is misleading. Intentional behavior including, but not limited to, plagiarism, copying another's work, cheating, or altering records. Students are expected to do their own work and to provide proper citations and attributions when their work references materials created by others. Cheating occurs when a student represents another individual's work as their own, obtains data or answers through acts of deception or dishonesty, or uses tools or resources that are not authorized by a teacher when completing an assignment. Plagiarism involves copying the work of others or copying portions of books, magazines, research materials, or Internet sources without using proper citations or attributions. Cheating and plagiarism also could involve distributing academic materials or other information to other students, either hand-to-hand or through the use of technology, to facilitate cheating or plagiarism.			X		
Failure to Follow Instructions – Students are expected to follow the instruction of all SSPPS personnel, regardless of whether employed by SSPPS directly or through a contractor, and volunteers.					
Fraud/Forgery - Falsely making or altering a writing by which the legal rights or obligations of another person are apparently affected; simulated signing of another person's name to any such writing.			X		
Grooming, Dress – Students are expected to dress appropriately for school activities and in keeping with the needs of the learning environment as defined in School Board Policy 504. This is a joint responsibility of the student and the student's parent(s) or guardian(s).	The following are considered inappropriate: • Apparel that can be hazardous to them or present a health problem • Apparel or footwear that can damage school property • Apparel that includes words or visuals that are lewd, obscene, disruptive, or discriminatory or advertise drugs, alcohol or tobacco; or any products or activities that are illegal for use by minors. • Apparel that includes objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances or provokes any form of religious, racial or sexual harassment and/or violence against other individuals as defined in Policy 413 are prohibited.	X			

Definition	Additional Information	L1	L2	L3	L4
Hazardous and Nuisance Objects – Hazardous and nuisance objects as judged by teachers or administration are prohibited from school property and school-sponsored events. The following are examples of prohibited items: toys, skateboards, rollerblades/roller-wheel objects, laser pointers, lighters, perfumes, and body sprays. The administration reserves the right to examine district property and the person. The school district assumes no responsibility for finding or protecting items mentioned above.			X		
Leaving Class without Permission – Students are expected to be in their assigned area and not to leave to other parts of the building or to elope outside of the building. Students are expected to be in class until they are excused, and may not leave class before the end of a class period without permission.			X		
Misuse of Technology Acceptable Use Policy – The use of the school district computer system and access to the internet is a privilege, not a right. Students are expected to utilize technology in a manner that is consistent with the educational mission of SSPPS. District Policy 536 outlines SSPPS's expectations for student use of technology, to include the use of all electronic devices (e.g. cell phones, smartphones, smartwatches, etc.). All students are expected to act in accordance with this policy. Misuse of technology includes conduct resulting in harm or potential harm to the student, another individual, or another individual's property. Students should be aware that misconduct involving the misuse of technology may also meet the definitions of other offenses outlined in this handbook (e.g., cheating or plagiarism, cyberbullying, harassment or discrimination).				X	
Ordering Food – Parents and students are not allowed to order or receive food from an outside vendor/ restaurant for delivery during the school day.		X			
Photographic or Recording Device Misuse – Any photographic, video image or audio recording taken of a teacher or student during the instructional day without the consent of the individual(s). Any photographic or movie image taken of a teacher or other students during the instructional day cannot be published or posted on a public forum (e.g., YouTube, Facebook, Twitter, Instagram, Snapchat, etc.) without the written consent of each individual. District Policy 514 states posting or sending images without permission is a violation and could be considered Cyberbullying.				X	

Definition	Additional Information	L1	L2	L3	L4
Possession of Dangerous Weapon or Other Dangerous Object - Students must keep dangerous weapons out of school. Students may not bring dangerous weapons to school. A "dangerous weapon other than a firearm" is defined as: • Any device or instrument designed as a weapon and capable of producing death or great bodily harm; • Any device modified so that it may be used as a weapon and capable of producing death or great bodily harm; • Any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm; • Any fire that is used to produce death or great bodily harm; • Any knife with a blade; • Any replica firearm, BB or pellet gun. Minn. Stat § 609.02, subd. 8 (def. great bodily harm) Minn. Stat § 609.02, subd. (def. of dangerous weapon) Minn. Stat § 609.66, subd. 1d, 18 U.S.C. § 930(g)(2) (def. dangerous weapon) "Other weapon" includes any device or instrument – including any non-conventional weapon – which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. Other weapons include but are not limited to knives with blades, fake knives, look-alike weapons, clubs, metal knuckles, chains, poisons, arrows, bats, nunchucks, throwing stars, stun guns, mace and other propellants, and other objects that have been modified to serve as a weapon, etc. This includes pyrotechnics such as firecrackers, fireworks, smoke bombs, etc. that contain flash powder, gunpowder, blackpowder, or any other explosive compound constructed to produce detonation or deflagration. A student who finds a weapon on the way to school or in the school building, or a student who discovers that they accidently have a weapon in their possession, and takes the weapon immediately to the Principal's Office shall not be considered to possess a weapon. "School Location" includes a school building, school grounds, school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, and all school-related functions. "Possession" means having a weapon on one person or in an area subject to one's control in a school location.	**With No Intent to Use**			X	
	With Intent to Use				X
Possession of a Firearm – Students may not bring firearms to school. Firearms are banned from all property owned or controlled by South St. Paul Public Schools. A firearm is defined in Minn. Stat. § 609.666, subd. 1(a) as a device designed to be used as a weapon, from which is expelled a projectile by the force of explosion or by the force of combustion.					X

Definition	Additional Information	L1	L2	L3	L4
Property Damage, Vandalism – Property damage is a violation when it involves the intentional damage, destruction, vandalism, or breaking of another individual's property or SSPPS property. For example, property damage includes intentional acts such as damaging or destroying textbooks and other school equipment, using technology to download or deploy unauthorized or malicious software, spray painting surfaces, acts of vandalism, and damaging or destroying the property of another student. Students are expected to be respectful of all property. Misuse of property occurs when a student uses property without permission or uses property in a way that is inconsistent with the intended use of the property.	**Property under $500**		X		
	Property over $500			X	
Substantial Interruption to the Learning Environment – A substantial interruption to the learning environment occurs when a student engages in behavior that creates a substantial risk of or results in injury, or that significantly disrupts learning (e.g., throwing chairs, causing the evacuation of classrooms, eloping to unsafe areas, verbal arguments disrupting the learning of other rooms, etc.). Students do not have the right to interfere with other students' right to receive an education.				X	
Theft – Theft is taking the property of another individual or the school without permission, with the intent of not returning the property to the owner. No force is involved in the taking of property.	Theft under $500		X		
	Theft over $500			X	
Trespassing – Students may not be on school property or in parts of school property without permission, including while suspended or expelled; includes breaking and entering into locked or private areas, such as other students' lockers, administrative office areas, and supply cabinets.				X	
Truancy/Violation of Closed Campus – Students may not leave the school campus during school hours without prior approval.			X		

Misconduct that occurs which is not covered by the infractions and guidelines above will be handled on a case-by-case basis. Behaviors that are willful and disruptive or potentially harmful may be subject to disciplinary action regardless of whether the specific behavior is defined above. Unique or special situations at a particular school may call for an adjustment in the discipline policies to meet the needs of the school and/or district.

Discipline Guidelines for Students with Special Needs

(504, IEP, and Students under evaluation)

In accordance with state and federal law, the following provides guidelines for discipline consequences for students identified as special education.

	IEP Team Required	Manifestation Determination (1)	Alternative Education Services Required
Student suspended for one school day or less	No*	No*	No*
Student suspended for less than five consecutive school days	No*	No*	No*
Student suspended for five OR MORE consecutive school days	Yes	No	Yes
Student suspended for more than 10 cumulative days in a school year or more	Yes*	Yes*	No*
Student placed on in-school suspension	No**	No**	No**
Student suspended from the bus	Depends***	Depends***	Depends***

* Unless the student has been suspended more than 10 cumulative days in a school year. (Minn. Stat. §121A.43(a))

** In-school suspension is not considered a day of suspension for a student with a disability as long as the student continues to receive regular and special education services during the in-school suspension.

*** If bus transportation is part of the student's IEP, a bus suspension would be treated as a removal unless the school provides transportation in some other way, because that transportation is necessary for the student to obtain access to the location where all other services will be delivered. If bus transportation is not a part of the student's IEP, a bus suspension typically would not be a removal.

(1) "Manifestation Determination" is a process to determine if a student's behavior problem was or was not a manifestation of the student's disability

Student Bus Rider Responsibilities

South St. Paul Public Schools is committed to providing a safe and enjoyable riding experience for its bus riders. Parents or guardians are responsible for the safety of their student(s) until they are on the school bus. The district's student bus rider responsibilities section has been established by the district. Please review this information and discuss it with your child(ren). This information is being provided so that your child(ren) will clearly understand bus behavior expectations.

Riding the school bus or school van is a privilege, not a right, that can be revoked if a student chooses not to comply with the rules for bus riders. The school district's general student behavior rules are in effect for all students on school buses. Consequences for school bus/bus stop misconduct will be imposed by the school district under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the school district's transportation department. Serious misconduct may be reported to local law enforcement.

Student Bus Rider Responsibilities

The district's goal is to provide safe and enjoyable transportation for our students. This occurs when we work in cooperation with students, parents, teachers and drivers. Students are expected to ride their assigned bus everyday, and be picked up and dropped off at their assigned bus stop, unless alternative plans are approved by administration. All students who ride the bus are expected to follow and observe the school district's safety rules, as well as those of the bus driver. Students who do not follow rules will be subject to suspension of bus-riding privileges as designated in the policy below. For the safety of all riders, please review the following rider responsibilities with your child(ren) before the school year begins.

Going to the Bus Stop

- Use sidewalks where provided.
- If there are no sidewalks, walk single file on the left shoulder of the street facing traffic.
- Cross streets only at corners.
- Use a direct route, but avoid crossing yards or empty lots.
- Arrive at your bus stop no more than five minutes before the scheduled stop. The bus driver cannot wait for late students.
- Be aware of suspicious individuals on foot or in motor vehicles. Report these persons to your bus driver or school principal. Even if you have missed the bus, do not accept rides from strangers.

Waiting at the Bus Stop

- Wait away from the traffic. Stay at least five feet off the road or street.
- Respect the property of others while waiting at the bus stop. Do not pick flowers, disturb shrubs, throw stones or snowballs, litter, etc.
- Use appropriate language at all times.
- Respect other students by not pushing, shoving or fighting.
- Stay back from the street until the bus is actually stopped. A push at the middle or end of the line can send the front person into the bus or under its wheels.
- Older students should be helpful to younger ones.
- The district's student behavior policies, guidelines, and rules are enforceable while a student waits at the bus stop.

Boarding the Bus

- Wait until the bus has stopped and the door is opened before starting to board.
- Board the bus single file.
- Continue to show respect for others by not pushing or shoving.
- Use the handrail to keep from slipping, falling, or tripping.
- Greet the bus driver.
- Move directly to your seat and sit down.
- Put large items (e.g. musical instrument, packages) in seat area or under the seat, but not in the aisle.

Riding the Bus

- Follow directions of the driver.
- Stay in your seat.
- Keep all parts of your body in the bus.
- No pushing, shoving, cutting in, fighting at any time.
- No eating, drinking, smoking, or spitting.
- No loud talking, horseplay, throwing things, or inappropriate language.

Getting off the Bus

- Wait for the bus to be completely stopped and the door to be opened before standing up.
- Stay respectful of others – no shoving or pushing.
- Walk five big steps away from the bus, turn and look at the bus driver.
- Wait until the bus is at least a half a block away before proceeding home.
- Do not go in back of or underneath the bus for any reason.

Consequences for Misbehavior on the Bus

If a student chooses to break a rule, the following consequences are applied:

1st Incident	Verbal warning
2nd Incident	Bus conduct report is issued. Parents contacted via phone or email and letter sent home. Letter must be signed and returned. Possible consequences include apology, assigned seat, or suspension from riding the bus.
3rd Incident	A second bus conduct report is issued and a one to three day suspension from riding the bus is appliled.
4th Incident	A third bus conduct report is issued and five-day suspension from riding the bus is applied.
5th Incident	A fourth bus conduct report is issued and permanent removal from bus privileges may be applied, which includes all school activities.

The following inappropriate behavior will result in **automatic suspension of transportation privileges:**

- Physical harm to another student
- Property damage
- Physical harm or threat of physical harm to driver (may result in arrest)
- Refusal to obey driver or verbal abuse of driver
- Disruption; which creates a safety hazard
- Possession of any dangerous weapon

Student Use of Personal Electronic Devices

South St. Paul Public Schools believes the use of personal electronic devices is a privilege and can be an acceptable communication and educational tool that requires responsible use by all students. Personal electronic devices include, but are not limited to cellular phones, smartphones,smartwatches, wireless headphones or earbuds, digital cameras, laptop computers, tablets and other personal electronic devices capable of transmitting data or images.

Student Responsibilities for Personal Electronic Device

SSPPS is not responsible for lost or stolen property. Personal property includes personal electronic devices. All property should be clearly identified or labeled. Articles are much more likely to be returned to the proper person if they are marked clearly.

Grade	Expectations	Potential Consequences
Grades K-8	**Use of personal electronic devices is forbidden.** • Students are required to turn off all devices when entering the building. • Students may turn the devices back on again when exiting the building, • Uses of these devices in the school will result in them being confiscated, and the family needing to come pick them up. **Families/Guardians are asked to not disrupt the school environment by contacting their children via their personal electronic devices and should instead contact the school's main office to leave their child a message.** Students should turn their cell phones off while in school. • Students are not allowed to contact parents during the school day using their personal device. • Students must ask permission to contact parents and will use a school phone when given permission by school personnel. It is highly suggested that students memorize their family's phone numbers.	• Verbal warning • Confiscation and family must pick-up device • Classroom consequences • Parent notification • Removal from class • Detention • Team meeting (teacher, parent, counselor, admin) • Check in device at office each morning • Loss of other technology privileges
Grades 9-12	**Use of personal devices** • Use of personal electronic devices is a privilege not a right. • Misuse of devices in the classroom or at other times during the school day are subject to the consequences listed. **Families/Guardians are asked to not disrupt the school environment by contacting their children via their cell phone during class.**	• Confiscation • Parent notification • Removal from class

Frequently Asked Questions

1. **What is the role of a school resource officer?**

   School resource officers are not SSPPS employees. SSPPS expects school resource officers to demonstrate professionalism at all times and to act as a positive role model for students. Their role in the school setting is outlined in a contract between SSPPS and the City of South St. Paul. The primary role of a school resource officer is to deter and address criminal activity on school property and at school-sponsored events and activities. School resource officers are not involved in determining student discipline and they are not involved in addressing student misconduct that does not involve suspected criminal conduct.

   SSPPS staff will consult with school resource officers to the extent necessary to report any potential criminal activity at school or a school-sponsored event or activity. In addition, SSPPS staff will consult with school resource officers to the extent necessary to comply with mandatory reporting obligations, such as the obligation to report suspected maltreatment of minors under Minn. Stat. § 626.556. To the extent permitted by State and Federal law, SSPPS staff may also disclose information to law enforcement in emergency situations where law enforcement's knowledge of the information is necessary to protect the health and safety of a student or other individuals.

2. **How does SSPPS address attendance issues?**

   District Policy 503 generally outlines SSPPS's expectations with respect to student attendance. Policy 503 can be found in its entirety on the school district website. As noted above, isolated instances in which a student is tardy will be handled at the classroom level. Repeated tardiness may warrant an office referral. Unexcused absences are otherwise addressed in the behavior and consequences section of this handbook in accordance with specific statutory provisions related to compulsory school attendance (Minn. Stat. §120A.22).

3. **How does SSPPS treat behavior in school parking lots?**

   School parking lots are considered school grounds for purposes of implementing SSPPS discipline policies and procedures. The same behavioral expectations that apply in school buildings apply in school parking lots. Parking on school grounds is a privilege, not a right. Students only may park in areas that are designated for student parking. In addition to the behavioral consequences outlined in this Handbook, a student who engages in misconduct in a SSPPS parking lot may have their parking privileges suspended or revoked. If a student parks in an unauthorized area or if an unauthorized vehicle is parked in a SSPPS parking lot, SSPPS may move the vehicle, require the owner to move the vehicle, or have the vehicle removed from SSPPS property and towed to a location off SSPPS grounds at the owner's expense. Student vehicles parked on SSPPS property may be subject to a search if SSPPS personnel have a reasonable suspicion that the search will uncover evidence of illegal conduct or a violation of SSPPS rules and policies. Policy 527 specifically addresses student use and parking of motor vehicles. Policy 527 can be found in its entirety on the school district website.

4. **Is there an appeals process for student discipline?**

   Minnesota's Pupil Fair Dismissal Act provides for an appeals process in situations involving a student expulsion or exclusion. See Minn. Stat. §121A.47. South St. Paul Public Schools focuses on resolving problems as quickly and efficiently as possible at the level closest to the individual. We encourage concerns to be addressed and resolved directly with site administrators, however, if you cannot or have already tried unsuccessfully, individuals may submit a grievance form through the district website at this link: https://www.sspps.org/resources/handbooks.

5. **What is the district's policy on locker searches?**

   District Policy 502 addresses locker searches as well as personal possessions. Students have no expectation of privacy in their school lockers and school officials may search student lockers at any time, for any reason, without the permission of the student and without providing any advance notice to the student. However, personal possessions within a locker (i.e. purses, backpacks, jacket pockets) may only be searched by school officials when there is a reasonable suspicion that the search will uncover evidence of a violation of school rules or the law. For example, a school official may open a locker at any time to see what is in the locker, but may only then search a backpack in the locker if they have reason to believe it contains contraband, such as in the case where a drug dog indicates the presence of drugs in a locker.

6. **What is the district's policy around searches of student cell phones and personal computers?**

   Searches of student cell phones and computers are similar to the search of locked or closed items in a student locker. If the school official has reasonable suspicion that a search will uncover a violation of the law or school rules, the school official may search a student's personal possessions, such as cell phones and computers.

This search need not be done with a parent present. Normally the school official would request permission from the student and for the student to provide a password. (Note that for school-owned computers, the search would be similar to a locker. Students have no expectation of privacy on such devices, which may be searched at any time, for any reason by school officials.)

Refusal to provide a password or unlock a phone may be grounds for discipline, in the same way that a student who refuses to unlock their car in the school parking lot to allow the district to search the car may be disciplined.

In general, students within the school environment have a lesser expectation of privacy than members of the general population. School districts have broad discretion in determining the extent to which students are allowed to use personal electronic devices during the school day. Violations of district policy are subject to discipline.

7. **What is the district communications policy regarding serious incidents, suspensions and expulsions? Do you inform all parents of students who were involved? Do you inform all parents of the school?**

   In general, the district informs the parents of students who are either victims or perpetrators of serious incidents that may lead to discipline. However, state and federal law prevent the district from discussing the details of any discipline that it imposes against students with any other students or parents.

   The Minnesota Government Data Practices Act (MGDPA) and the Family Educational Rights and Privacy Act (FERPA) bind the district's hands, and only allow the district to discuss a student's discipline with that student and the student's parents/guardians. Even in a situation where a student is a victim of a serious infraction, that student (victim) and their parents/guardians will not find out what discipline, if any, was given to the perpetrator. While this can be very frustrating for both school officials and parents, the district must follow the law.

   Similarly, because the students who attend a school may already know the identity of a student involved in a major incident, the District is often prevented from sharing background details or information since sharing such information may tend to identify or confirm the identity of the student or students who were involved.

   In certain circumstances, the District may provide general background information to parents of all students in an attempt to be proactive and allow parents to talk to their children about issues that may be occurring at school (e.g. an email regarding Appropriate Use of Technology). While the district is not required to provide such general notice to all parents, we seek to keep parents involved in order to discuss these issues at home and encourage partnership with the district in providing a safe and healthy learning environment.

8. **Does SSPPS have recommended resources to assist families in dealing with student behavior concerns and helping students develop self-management skills?**

   Yes. Information about these resources may be obtained from your building leadership team or by visiting our website at https://www.sspps.org/departments/student-services.

9. **How is student data kept confidentially?**

   SSPPS always maintains data confidentiality when working with students and families. We do this out of respect to individuals' right to privacy as well as to comply with state and federal laws that limit the sharing of information. We also acknowledge that data confidentiality can lead to frustration as it can limit the information we are able to share. This is particularly true when working to support victims and families as it can give the impression that no action is being taken. We ask that our families keep this in mind as we strive for meaningful partnership while also knowing that limits to information sharing can erode trust. School Board Policy 515 has further information on the Protection and Privacy of Student Records.

10. **How does the district investigate disciplinary situations such as bullying or harassment?**

    The district conducts thorough investigations into disciplinary situations like bullying or harassment through a multi-step process aimed at ensuring fairness and accountability. When allegations arise, trained personnel collect detailed accounts from all involved parties and witnesses through interviews and/or written statements. These investigations prioritize confidentiality to protect the privacy of those involved while maintaining transparency in the process. Evidence such as electronic communications, surveillance footage, or physical documentation may be reviewed to corroborate accounts. Throughout the investigative process, the district adheres to established policies and guidelines and consults with legal counsel, when necessary. Once the investigation is completed, appropriate disciplinary actions are determined based on the severity of the incident and in accordance with the Student Rights and Responsibilities Handbook, district policies, and state and federal laws. The focus of any disciplinary outcome is on fostering a safe and inclusive learning environment for all students.

Summary of Additional District Policies

Besides the policies that are included and/or referred to in this Handbook, students are expected to be aware of and to abide by all of the district's policies. The following is a summary of SSPPS's policies that define student rights and responsibilities. Complete texts of these and all district policies are available on the district's website at www.sspps.org/policies or upon request from a school office.

Assessment of Standard Achievement- Policy 618

The district provides a structure and framework for assessing student learning in the district. The grading and assessment should assist in the student's learning experiences. Each school program level will establish standardized assessments and track mastery of academic standards. The criteria will reflect the age of the student and the level of content learning.

Attendance- Policy 503

The district provides a structure and framework for assessing student learning in the district. The grading and assessment should assist in the student's learning experiences. Each school program level will establish standardized assessments and track mastery of academic standards. The criteria will reflect the age of the student and the level of content learning.

Bullying Prohibition- Policy 514

The district expressly prohibits bullying, by either an individual student or a group of students, on school premises, on school district property at school functions, or activities, or on school transportation. Any person who believes they have 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 the building principal. Within 3 days of the report, the school district will undertake an investigation into the matter.

Corporal Punishment- Policy 507

Corporal punishment is prohibited. No employee or agent of the district will engage in or cause the infliction of corporal punishment on any student.

Distribution of Non School-Sponsored Materials on School Premises- Policy 505

The district seeks to protect students' and employees' rights to free speech, while at the same time preserving the integrity of the educational objectives and responsibilities of the district. This protection includes the right to distribute nonschool-sponsored material at a reasonable time and place and in a reasonable manner. Distribution guidelines have been established by district policy and will be supervised by school administration.

Do Not Attempt Resuscitation- Policy 518

When any student experiences sudden illness or injury, the role of an employee is to render emergency health care to preserve life and prevent disability. In life-threatening emergencies, the emergency medical system (911) will be activated. School district staff will not accept or honor requests to withhold emergency care or DNR-DNI orders. The school district will not convey such orders to emergency medical personnel. Notwithstanding this school district policy, IEP and Section 504 teams must develop individualized medical emergency care plans for students when appropriate in accordance with state and federal law.

Dress and Appearance- Policy 504

The district expressly prohibits bullying, by either an individual student or a group of students, on school premises, on school district property at school functions, or activities, or on school transportation. Any person who believes they have 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 the building principal. Within 3 days of the report, the school district will undertake an investigation into the matter.

Education of Homeless Children

Students experiencing homelessness as defined under federal McKinney-Vento law shall have access to the education and other services they need to provide educational stability,and school access to meet state and district standards, including transportation to and from their school of origin.

Electronic Technologies Acceptable Use- Policy 536

Students may access online resources from their classrooms via the internet. Procedures and guidelines have been established for access to the district's networks and acceptable and safe use of the internet. The administration will supervise the guidelines. Specific expectations, including the Online Code of Ethics, are outlined by the district policy.

Parents or guardians must give approval for their child(ren) to access internet resources and students must agree to follow the acceptable use procedures. Forms are available in the district portal and Family Handbook.

Emergency Health Situations and District Insurance Limitations

The district does not purchase medical, health or accident insurance for your child. If your child has an accident, is ill, or is injured while at school or participating in district-sponsored activities; families will need to access their own insurance plans to cover any associated costs (e.g., medical care, emergency transportation). The district cannot pay these associated costs.

Employee Background Checks- Policy 404

The district places a high priority on ensuring a safe and healthy learning environment for students. This priority includes requiring all applicants who have been offered district positions to complete a criminal background check as part of the process for determining employment. This process meets legal requirements.

Equal Educational Opportunity- Policy 102

The district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. No student will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any educational program or activity operated by the district on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, pregnancy, status with regard to public assistance, disability, sexual orientation or age.

Extended School Year- Policy 508

Extended School Year (ESY) services are provided to a student who has an Individualized Education Plan (IEP) if the IEP team determines the ESY services are necessary during a break in instruction to provide a free appropriate public education.

Field Trips and Travel- Policy 610

The district supports and approves student field trips and travel beyond the classroom and areas of competition that are properly planned, well organized, and carefully supervised. Students participating in approved field trips and travel will be permitted to prepare assignments in advance or make up work missed in classes from which they are absent. All trips and travel require parent/guardian authorization.

Harassment and Violence- Policy 413

Harassment against students based on protected class status is a form of discrimination. Harassment by any person, student or staff member, based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status, that creates an intimidating, hostile or offensive working or learning environment, or substantially interferes with the working or learning environment, will not be tolerated under any circumstance. Individuals who believe they may have experienced harassment should report the complaint to the building principal.

Immunization Requirements- Policy 530

Students are required to provide proof of immunization or appropriate documentation exempting the student from immunizations and other data necessary to ensure that the student is free from any communicable diseases, as a condition of enrollment.

Interviews of Students by Outside Agencies- Policy 519

Generally, students may not be interviewed during the school day by persons other than a student's parents, district officials, employees or agents of the district, except as otherwise provided by law and/or district policy.
Upon receiving an interview request, the principal will determine whether the request will be granted.

Medication- Policy 516

The district acknowledges that students may require prescription and nonprescription medication during the school day. In such cases, medication may be administered only by the licensed school nurse or other trained school employees. The district strongly discourages students from possessing and self-administering nonprescription medication without written authorization from the student's parent/guardian on file in the health office.

Pledge of Allegiance- Policy 531

Students shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. Pursuant to Minn. Stat. §121A.11, subdivision 3(c), anyone who does not wish to participate in reciting the Pledge

of Allegiance for any personal reasons may elect not to do so. Students and school employees must respect another person's right to make that choice.

Promotion, Acceleration, Retention and Program Design- Policy 513

The district is dedicated to the total and continuous development of each student. Students will be placed in the instructional level best suited for their academic, social and emotional needs. Students will usually progress from level to level on an annual basis. Exceptions may be made when they are in the best educational interest of the student. Exceptions will be made only after consultation with the student's family. The final decision will rest with the district.

Protection and Privacy of Student Records- Policy 515

The district recognizes its responsibilities in regard to the collection, maintenance and dissemination of student educational records and data. District policy defines the procedures and practices for protecting the privacy of student information in accordance with state and federal laws.

Examples of student directory information are below and may be made available to the public. A parent/guardian may refuse to have any or all of the directory information made public by notifying the building principal in writing in accordance with district policy.

- Student name, address, telephone number and electronic mail address
- Student photograph
- Student date and place of birth
- Student dates of attendance, major field of study, grade level, and enrollment status
- Student participation in officially recognized activities and sports, weight and height of members of athletic teams, degree, honors and awards received, and
- Student degrees, awards most recent educational agency or institution attended
- Parent/Guardian name, address, telephone number

Search of Lockers, Desks, Possessions and Persons- Policy 502

(See FAQ regarding searches, page 26)

School lockers are the property of the district. The district maintains exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school employees for any reason at any time, without notice, without student consent, and without a search warrant.

The personal possessions of students within a school locker or on a student's person may be searched only when school employees have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practical after the search of a student's personal possessions within a locker, a school employee will notify the student whose personal possessions within a locker were searched unless disclosure would impede an ongoing investigation by police or school employees. Schools may also use specially trained dogs in school parking areas, to detect and alert officials to the presence of prohibited items and illicit substances.

Selection of Instructional Text, Materials and Content- Policy 606

The district recognizes the selection of textbooks and instructional materials is vital to the support of the district's academic standards and curriculum. The school board has the authority to make final decisions on the selection of instructional texts, materials and content. The district has a process, referenced Policy 606 in, for families and community members to review or seek reconsideration of selected instructional texts and materials.

Special Accommodations and Services for Students with Special Needs- Policy 608

The district provides a full range of special services and accommodations necessary for meeting students' special needs. Families are encouraged to contact building principals for additional information related to student identification, assessment, service availability and other options.

Staff Notification of Violent Behavior of Students- Policy 529

In an effort to provide a safe school environment, the assigned classroom teacher and other employees with a legitimate educational interest will be notified if a student has a history of violent behavior. The administration will meet with the assigned classroom teacher and other employees with a legitimate educational interest for the purpose of notifying and determining how employees will work with the identified student.

Student Fundraising- Policy 511

The district recognizes the desire by district-sponsored student groups and student organizations to raise funds to meet their needs and goals and to fund student activities. School groups or organizations raising funds must meet the established district criteria and follow district policy for fundraising. National and international fundraising groups may

apply for approval of specific fundraising activities through the building principals. Violations of the student fundraising policy may result in disciplinary action up to suspension or expulsion.

Student Surveys- Policy 520

The district may conduct student surveys as determined necessary. The superintendent may refuse to permit a survey to be conducted based on the alignment of the survey to the mission of the district or the impact the administration of the survey would have on the instructional day.

Student Use and Parking of Motor Vehicles- Policy 527

Students are allowed the limited use and parking of motor vehicles in district locations in accordance with district policy. Students permitted to park at a district location do so as a privilege, not a right.

Students With Communicable Diseases and Infectious Conditions- Policy 420

Students with communicable diseases are not to be excluded from attending school in their daily attendance setting so long as their health permits and their attendance does not create a significant health risk of the transmission of illness to students or employees.

Video/Electronic Surveillance- Policy 712

Maintaining the health, welfare and safety of students, employees and visitors while on school district property and protecting district property are important functions of the district. The district recognizes the value of video/electronic surveillance systems in monitoring activity on school property in providing these functions.

Wellness- Policy 534

The district recognizes that nutrition education and physical education are essential components of the educational process and that good health fosters student attendance and learning. The school environment should promote and protect a student's health, well-being and ability to learn by encouraging healthy eating and physical activity. The district encourages the involvement of students, parents, teachers, nutrition service employees, and other interested persons in implementing, monitoring and reviewing district nutrition and physical activity policies.

Appendix

Attached are the full policies:

506: Student Discipline
514: Bullying Prohibition (Attached bullying report form)
526: Hazing Prohibition
413: Harrassment and Violence

Adopted: *October 5, 1993*

Revised: *1/24/05; 10/10/05; 11/28/11; 9/9/13; 4/28/14; 5/9/16; 5/22/17; 9/10/18; 1/13/20; 6/26/23; 7/22/24; 5/27/25*

MSBA/MASA Model Policy 506
Orig. 1995
Rev. 2024

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school district's expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes sections 121A.40-121A.56.

In view of the foregoing and in accordance with Minnesota Statutes section 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community

members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

III. DEFINITIONS

A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under Minnesota Statutes, sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

IV. POLICY

A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.

B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.

C. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.

D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:

1. for a pupil who remains enrolled in the school district or is awaiting enrollment in a new district, the school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school district must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;

2. a pupil receiving school-based or school-linked mental health services in the school district under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and

3. the school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school district website.

V. AREAS OF RESPONSIBILITY

A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.

B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to the student or another. A principal shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. A teacher, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to the student or another. A teacher shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat,

neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A school employee, which does not include a school resource officer, shall not use prone restraint and shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

   For the purpose of Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force), a school resource officer, as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c) is not a school employee or agent of the district.

F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

I. Reasonable Force Reports

   1. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).

   2. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent bodily harm or death to the student or another

that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).

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

VI. STUDENT RIGHTS

All students have the right to an education and the right to learn.

VII. STUDENT RESPONSIBILITIES

All students have the responsibility:

A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;

B. To attend school daily, except when excused, and to be on time to all classes and other school functions;

C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;

D. To make necessary arrangements for making up work when absent from school;

E. To assist the school staff in maintaining a safe school for all students;

F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;

G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;

H. To be aware of and comply with federal, state, and local laws;

I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;

J. To respect and maintain the school’s property and the property of others;

K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;

L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;

M. To conduct themselves in an appropriate physical or verbal manner; and

N. To recognize and respect the rights of others.

VIII. CODE OF STUDENT CONDUCT

A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; 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 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 unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism.

2. The use of profanity or obscene language, or the possession of obscene materials;

3. Gambling, including, but not limited to, playing a game of chance for stakes;

4. Violation of the school district's Hazing Prohibition Policy;

5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;

6. Violation of the school district's Student Attendance Policy;

7. Opposition to authority using physical force or violence;

8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment;

Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;

9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;

10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);

11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;

12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;

13. Violation of the school district's Weapons Policy;

14. Violation of the school district's Violence Prevention Policy;

15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;

16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;

17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;

18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;

19. Violation of any local, state, or federal law as appropriate;

20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;

21. Violation of the school district's Internet Acceptable Use and Safety Policy;

22. Use of a cell phone in violation of the school district's Internet Acceptable Use and Safety Policy;

23. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;

24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;

25. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;

26. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;

27. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;

28. Possession or distribution of slanderous, libelous, or pornographic materials;

29. Violation of the school district's Bullying Prohibition Policy;

30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;

31. Criminal activity;

32. Falsification of any records, documents, notes, or signatures;

33. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;

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

35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other school district personnel;

36. Violation of the school district's Harassment and Violence Policy;

37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;

38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;

39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;

40. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;

41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;

43. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy;

44. Violation of the school district's one-to-one device rules and regulations;

45. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;

46. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

IX. RECESS AND OTHER BREAKS

A. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.

B. The school district is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.

C. The school district must not use recess detention unless:

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

D. The school district must not withhold recess from a student based on incomplete schoolwork.

E. The school district must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.

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

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

X. DISCIPLINARY ACTION OPTIONS

The general policy of the school district is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district code of conduct, rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;

B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.

C. Parent contact;

D. Parent conference;

E. Removal from class;

F. In-school suspension;

G. Suspension from extracurricular activities;

H. Detention or restriction of privileges;

I. Loss of school privileges;

J. In-school monitoring or revised class schedule;

K. Referral to in-school support services;

L. Referral to community resources or outside agency services;

M. Financial restitution;

N. Referral to police, other law enforcement agencies, or other appropriate authorities;

O. A request for a petition to be filed in district court for juvenile delinquency adjudication;

P. Out-of-school suspension under the Pupil Fair Dismissal Act;

Q. Preparation of an admission or readmission plan;

R. Saturday School and/or before or after school detention;

S. Expulsion under the Pupil Fair Dismissal Act;

T. Exclusion under the Pupil Fair Dismissal Act; and/or

U. Restorative justice

V. Other disciplinary action as deemed appropriate by the school district.

XI. REMOVAL OF STUDENTS FROM CLASS

A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, a teacher will consult with the building principal or principal designee about the potential removal of the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;

3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or

4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

C. Procedures for Removal from Class:

1. A student will be removed from class only upon agreement of the appropriate teacher and Principal or Principal's designee after an informal administrative conference with the pupil. The decision to remove a student will ultimately be the responsibility of the Principal or Principal's designee.

2. The length of time of the removal will be at the discretion of the Principal or the Principal's designee after consultation with the teacher, but will not exceed five (5) class or activity periods per incident.

3. Removal from class may be imposed without an informal administrative conference when a student is causing and/or appears to be causing a serious disruption or appears to be creating an immediate and substantial danger to himself/herself or to person(s) or property.

4. In removing a student from class, a District employee may use reasonable force, if necessary, in compliance with Minnesota Statutes section 121A.582 and other laws.

D. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher and may not exceed five class periods for a violation of a rule of conduct.
E. Students who are removed from class will be supervised by a District staff member. The assigned District staff member will determine where the student will go when removed, how they will get to their designated destination, and what the student will do when and while removed.

F. Return to Class after Removal:

    1. Students will return to class upon completion of the terms of the removal established at the informal administrative conference referenced in section II.B.3.

G. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;

    1. The principal or principal's designee will determine the need for and method of notification to parent or guardian.

    2. After the student has been removed from class more than ten (10) times in one school year, the principal or designee will notify the student's parent and guardian and request that the parent or guardian meet with the site administrators to discuss the problem that is causing the student to be removed from class.

H. Students on an Individual Education Plan (IEP) The principal or designee will determine whether the student's removal from class requires a meeting to review the adequacy of the student's current Individual Education Plan (IEP) or whether there is a need for further assessment. If it is determined such a meeting is necessary, the student's case manager will schedule and provide appropriate notices of such meeting.

    1. Any procedures determined appropriate for referring students in need of special education services to those services.

I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.

    1. Every school has a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

    2. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

3. Any public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team of this information pursuant to Minnesota Statutes, section 121A.29.

XII. DISMISSAL

A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to use non exclusionary disciplinary policies and procedures before dismissal proceedings, or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

The use of exclusionary practices for early learners as defined in Minnesota Statutes, section 121A.425 is prohibited. The use of exclusionary practices to address attendance and truancy issues is prohibited.

B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable school board regulation, including those found in this policy;

2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or

3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Disciplinary Dismissals Prohibited

1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:

a) A preschool or prekindergarten program, including an early childhood family education, school readiness, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or

b) kindergarten through Grade 3.

2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.

3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.

2. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.

4. The definition of suspension under under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability.Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a

parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6^{th}) consecutive day of suspension or the tenth (10^{th}) cumulative day of suspension has elapsed. A copy of the procedural safeguards will be given to the parent/guardian when the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct.

6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

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

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

8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:

    a) strongly encourage a parent or guardian of the student to attend school with the student for one day;

    b) assign the student to attend school on Saturday or before or after school as supervised by the principal or the principal's designee; and

    c) petition the juvenile court that the student is in need of services under Minn. Stat., Ch. 260C.

9. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

10. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.

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

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

E. Expulsion and Exclusion Procedures:

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.

2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.

3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40-121A.56.

4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.

5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40-121A.56; describe disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross examine witnesses. The school district must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE) and is posted on its website.

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.

7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.

8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.

9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.

10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.

13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.

14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

15. The student cannot be compelled to testify in the dismissal proceedings.

16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.

17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minnesota Statutes section 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.

19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.

20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.

21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

XIII. ADMISSION OR READMISSION PLAN

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

XIV. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a school district employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the MDE Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the pupil's age, grade, gender, race, and special education status.

XV. STUDENT DISCIPLINE RECORDS

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat., Ch. 13.

XVI. STUDENTS WITH DISABILITIES

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

XVII. OPEN ENROLLED STUDENTS

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minnesota Statutes section 124D.03) or Enrollment in Nonresident District (Minnesota Statutes section 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XVIII. DISCIPLINE COMPLAINT PROCEDURE

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

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;

2. provide an opportunity for involved parties to submit additional information related to the complaint;

3. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;

4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;

5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and

6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

XIX. DISTRIBUTION OF POLICY

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each principal's office.

XX. REVIEW OF POLICY

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School Pre Assessment Teams)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.58 (Corporal Punishment; Prone Restraint; And Certain Physical Holds)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.60 (Definitions)
Minn. Stat. -121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.611 (Recess and Other Breaks)
Minn. Stat. §§ 122A.42 (General Control of Schools)
Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)
Minn. Stat. Ch.125A (Special Education and Special Programs)
Minn. Stat. § 152.22 Subd. 6 (Definitions)
Minn. Stat. § 152.23 (Limitations)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)
29 U.S.C. § 794 *et seq*. (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References:

MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
MSBA/MASA Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 505 (Distribution of Non-School-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 507.5 (School Resource Officers)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
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 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
MSBA/MASA Model Policy 610 (Field Trips)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

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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 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:

1. on school premises at school- functions, or activities, or on school transportation.

2. by the use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or

3. by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.

B. A school-aged child who voluntarily participates in a public school activity, such as a co curricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.

C. 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 cyber bullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. This policy also applies to sexual exploitation.

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

   Malicious and sadistic conduct and sexual exploitation by a school district or school staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.

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

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

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

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

I. 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 #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.

J. 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, malicious and sadistic conduct, and sexual exploitation.

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

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

G. "Prohibited conduct" means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct.

H. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.

I. "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 school days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.

B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.

C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not

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

E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.

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

VI. RETALIATION OR REPRISAL

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

VII. TRAINING AND EDUCATION

A. Consistent with its applicable policies and practices, the school district must discuss this policy with students, school personnel and volunteers and provide appropriate training for all school district personnel to prevent, identify, and respond to prohibited conduct. The school district must 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 Minnesota Statutes, section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:

    1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;

    2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;

    3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;

    4. The incidence and nature of cyberbullying; and

    5. Internet safety and cyberbullying.

C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.

E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

    The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

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

    1. Engage all students in creating a safe and supportive school environment;

    2. Partner with parents and other community members to develop and implement prevention and intervention programs;

3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;

4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;

5. Teach students to advocate for themselves and others;

6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and

7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

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

G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See 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. Article II, paragraph D, regarding malicious and sadistic conduct must be conspicuously posted throughout each school building.

C. This policy shall be conspicuously posted in the administrative offices of the school and school district in summary form.

D. This policy must be distributed to each school district or school employee and independent contractor, if the contractor regularly interacts with students, at the time of employment with the district or the school.

E. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.

F. This policy shall be available to all parents and other school community members in an electronic format in the languages appearing on the school district's or a school's website, consistent with the district policies and practices.

G. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

A. 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 Minnesota Statutes, sections 121A.031 and 121A.0312 other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § Ch. 124E (Charter School)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act) 34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 423 (Employee-Student Relationships)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

South St. Paul
Public Schools

District Office
104 5th Ave S. South St. Paul, MN 55075 | 651-457-9400 | Fax: 651-457-9485

Bullying/Harassment Report Form

District policy 514 & 413 states that a safe and civil environment is necessary for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The purpose of this form is to document alleged incidents and 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.

Harassment against students based on protected class status is a form of discrimination. Harassment by any person, male or female, student or staff member, based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status, that creates an intimidating, hostile or offensive working or learning environment, or substantially interferes with the working or learning environment, will not be tolerated under any circumstance. (See Board Policy 413)

Bullying means intimidating, threatening, abusive or harming conduct that is objectively offensive and where there is an actual or perceived power imbalance between the students involved in the behavior, or where the behavior materially and substantially interferes with a students' learning environment or access to student. (See Board Policy 514)

Please return this form to your school's building principal, direct supervisor, Director of Student Services, Human Resources Director, or Superintendent.

Complainant Name:_____

Home Address: _____**Home Phone:** _____

Date of Alleged Incident(s):_____

Type of Bullying/Harassing: Physical Verbal Relational

Complaint Against:

Name:

_____

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.)

_____

_____

_____

When and Where did the incident(s) occur?

_____

List the name(s) of all persons (including yourself if applicable) who were targets of the discrimination, harassment, or bullying: _____

_____

List the names(s) and/or descriptions of all individuals (students, school employees, school visitors, other) who engaged in or participated in the alleged discrimination, harassment, or bullying:

_____

_____

List the names and contact information of any witnesses that were present:

_____

List the names of any trusted adult that you reported this incident to (i.e. teacher, principal, police liaison, office staff, parent/guardian, etc.): _____

_____

If you believe the incident was based on your protected class status or the protected class status of the target, please indicate below which protected class category was the basis of the reported behavior(please circle)**:**

Race/Color/National Origin	Religion/Creed	Disability
Sex/Sexual Orientation/Gender Identity	Other	

Why: _____

This complaint is filed based on my honest belief that _____has bullied/harassed me or 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**: _____

Investigations must be started within 3 days of the receipt of this complaint form.

Adopted: *February 1998*

Revised: *4/26/04; 9/9/13; 7/25/16; 6/26/17*
6/10/19; 5/26/20; 6/14/21; 6/27/22; 6/26/23
5/28/24; 3/31/25

MSBA/MASA Model Policy 526
Orig. 1997
Rev. 2014

526 HAZING PROHIBITION

I. PURPOSE

A. The purpose of this policy is to maintain a safe learning environment for students and staff that are free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

A. No student, teacher, administrator, volunteer, contractor or other employee of the school district shall plan, direct, encourage, aid or engage in hazing.

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

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

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

E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.

F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspensions and/or expulsion

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

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

G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.

H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.

I. The school district will act to investigate all complaints of hazing 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

A. "Hazing" means committing an act against a student and/or staff member, or coercing a student and/or staff member 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. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.

2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.

5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

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

C. "On school premises or school district property, or 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 approve 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 hazing at these locations and events, the school district

does not represent that it will provide supervision or assume liability at these locations and events.

D. "Remedial response" means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.

E. "Student" means a student enrolled in a public school or charter school.

F. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report hazing 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 to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.

The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult school district personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

C. A teacher, administrator, volunteer, contractor, and other school district employees shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.

D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

E. Reports of hazing 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 hazing and the record of any resulting investigation.

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

V. SCHOOL DISTRICT ACTION

A. Within three (3) days of the receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials 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 hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited in this policy.

C. The alleged perpetrator of the hazing 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 hazing has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable school district policies and 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 or victims of hazing and the parent(s) or guardian (s) of alleged perpetrators of hazing who have been involved in a report and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.

F. In order to prevent or respond to hazing committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) 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 hazing.

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 hazing, who provides information about hazing, who provides information about hazing, who testifies, assists, or participates in an investigation, or against any person who testifies, assists or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or 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.

VII. DISSEMINATION OF POLICY

A. This policy shall appear in each school's student handbook and in each school's Building and Staff handbooks.

B. The school district will develop a method for discussing this policy with students.

Legal References:
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

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 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff)

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413 HARASSMENT AND VIOLENCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. It is the policy of the school district to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The school district prohibits any form of harassment or violence on the basis of Protected Class.

B. A violation of this policy occurs when any student, teacher, administrator or other school district personnel harasses a student, teacher, administrator or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a Protected Class. (For purposes of this policy, school district personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)

C. A violation of this policy for any student, teacher, administrator or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's Protected Class.

D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's Protected Class, and to discipline or take appropriate action against any student, teacher, administrator or other school district personnel found to have violated this policy.

III. DEFINITIONS

A. Assault is:

1. an act done with intent to cause fear in another of immediate bodily harm or death;

2. the intentional infliction of or attempt to inflict bodily harm upon another; or

3. the threat to do bodily harm to another with present ability to carry out the threat.

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

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;

2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

3. otherwise adversely affects an individual's employment or academic opportunities.

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

D. Protected Classifications; Definitions

1. "Disability" means, with respect to an individual who:

a. has a physical, sensory, or mental impairment that materially limits one or more major life activities of such individual;

b. has a record of such an impairment;

c. is regarded as having such an impairment; or

d. has an impairment that is episodic or in remission and would materially limit a major life activity when active.

2. "Familial status" means the condition of one or more minors having legal status or custody with:

a. The minor's parent or parents or the minor's legal guardian; or guardians; or

b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian. or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals

are unable to receive and evaluate information or make or communicate decisions. The protections afforded against harassment or discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

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

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

5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

6. "Sexual orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.

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

E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment; Definition

1. Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

a) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or

b) submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

c) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.

2. Sexual harassment may include, but is not limited to:

a) unwelcome verbal harassment or abuse;

b) unwelcome pressure for sexual activity;

c) unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;

d) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;

e) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or

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

G. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof that 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, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

2. Sexual violence may include, but is not limited to:

a) touching, patting, grabbing, or pinching another person's intimate parts;

b) coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;

c) coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or

d) threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to an individual's or group's Protected Class.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of a person's Protected Class by a student, teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct that may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

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

C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

D. In Each School Building. The building principal, the principal's designee, or building supervisor (hereinafter the "building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy, at the building level. Any adult school district personnel, who receive a report of harassment or violence prohibited by this policy, shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or school district's human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fails to make reasonable efforts to

address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.

F. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the building report taker.

G. In the District. The school board hereby designates the Director of Human Resources as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.

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

I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

J. Use of formal reporting forms is not mandatory.

K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

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

M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.

N. False accusations or reports of violence or harassment against another person are prohibited.

O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

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

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

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

V. INVESTIGATION

A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.

E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

F. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

VI. SCHOOL DISTRICT ACTION

A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.

B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VII. RETALIATION OR REPRISAL

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

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

IX. HARASSMENT OR VIOLENCE AS ABUSE

A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes Chapter 260E may be applicable.

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

X. DISSEMINATION OF POLICY AND TRAINING

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

B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.

C. This policy shall appear in the student handbook.

D. The school district will develop a method of discussing this policy with students and employees.

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

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

Legal References:
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat.Ch. 260E (Reporting of Maltreatment of Minors)
20 U.S.C. § 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
42 U.S.C. § 1201 *et seq.* (Americans with Disabilities Act)

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)