SWWC

EDUCATIONAL LEARNING CENTERS

2026-27
Student Handbook

For all students attending:

- ELC – Cosmos
- ELC – Marshall
- ELC – Montevideo
- ELC – New London
- ELC – Pipestone
- ELC – Windom

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INTRODUCTION

Welcome to the Southwest West Central Service Cooperative's (SWWC) Educational Learning Centers (ELC)!

Thank you for trusting SWWC to provide your student(s) with educational programming tailored to her/his individual needs.

Our mission is to be a collaborative partner providing exceptional services, innovative solutions and proactive support.

The ELC Student Handbook is comprised of four parts:

1) Information
2) Academics
3) Rules and Discipline
4) Health and Safety

Policy Information

A comprehensive list of SWWCs Board Policies can be found on our website.

Site Contact Information

ELC – Cosmos
320 N Saturn St, Suite A, Cosmos, MN 56228
P: 320-877-7074; **F:** 320-877-9088

ELC – Marshall
1510 Stadium Drive, Suite 1, Marshall, MN 56258
P: 507-616-0473; **F:** 507-616-7644

ELC – Montevideo
2419 Washington Ave, Montevideo, MN 56265
P: 320-321-1484; **F:** 320-321-1486

ELC – New London
17530 County Road 9 NE, New London, MN 53273
P: 320-262-5477; **F:** 320-262-5479

ELC – Pipestone
1314 N Hiawatha, Suite 100, Pipestone, MN 56164
P: 507-825-5858; **F:** 507-825-4035

ELC – Windom
1454 6th Avenue, PO Box 265, Windom, MN 56101
P: 507-831-6935; **F:** 507-831-6939

PART I – INFORMATION

Arrival and Dismissal Hours

School building hours for each site are as follows:

ELC – Cosmos: 8:15am-2:45pm

ELC – Marshall: 8:15am-2:45pm

ELC – Montevideo: 8:15am-2:45pm

ELC – New London: 8:15am-2:45pm

ELC – Pipestone: 8:00am-2:30pm

ELC – Windom: 8:15am-2:45pm

Your child's resident district is responsible for providing transportation to and from the ELC your child is attending. If your child will be dropped off outside of typical school hours, he/she/they will need to report to the main office.

Calendar

The school calendar is adopted annually by the SWWC Executive Director. A copy of the school calendar can be found in the Welcome Back Packet provided at the beginning of the school year and on the ELC section of the SWWC website.

Class Assignments

Students are assigned to classrooms based on their educational and special education needs.

Complaints

Students, parents/guardians, employees, or other persons may report concerns or complaints to SWWC. Complaints may be either written or oral. People are encouraged, but not required, to file a written complaint at the building level where appropriate. The appropriate administrator will respond in writing to the complaining party regarding the SWWC's response to the complaint.

E-Learning Day Plan

E-Learning Days will be determined by the site administrator and communicated to parents at least an hour and a half prior to the scheduled start time.

Eighteen-Year-Old Students

The age of majority for most purposes in Minnesota is 18 years of age. All students, regardless of age, are governed by the rules for students provided in SWWC policy and this handbook.

Employment Background Checks

SWWC will seek criminal history background checks for all applicants who receive an offer of employment with SWWC. SWWC also will seek criminal history background checks for all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to SWWC, regardless of whether compensation is paid. These positions include, but are not limited to, all athletic coaches, extracurricular academic coaches, assistants, and advisors. SWWC may elect to seek criminal history background checks for other volunteers, independent contractors, and student employees.

Equal Access to School Facilities

SWWC has created a limited open forum for secondary students to conduct noncurriculum-related meetings during noninstructional time. SWWC will not discriminate against or deny equal access or a fair opportunity on the basis of the religious, political, philosophical, or other content of the speech at such meetings. These limited open forum meetings will be voluntary and student initiated; will not be sponsored by school employees or agents; employees or agents of the school will be present at religious meetings only in a nonparticipatory capacity; the meetings will not interfere with the orderly conduct of educational activities within the school; and nonschool persons will not direct, control, or regularly attend activities of student groups. All meetings under this provision must follow the procedures established by SWWC.

Fees

Materials that are part of the basic educational program are provided with state, federal, and local funds at no charge to a student. Students are not expected to provide their own pencils, pens, paper, erasers, notebooks, and other personal items.

Students may be charged for textbooks, workbooks, books, and technology that are lost or destroyed. SWWC may waive the required fee or deposit if the student and parent/guardian are unable to pay. Additionally, students may be charged for excessive damage caused by the student. For more information, contact the Director of Educational Learning Centers.

Food in the Classrooms

Due to the nature of programming at the Educational Learning Centers, parents are asked not to bring outside food into the Educational Learning Centers. Parents of students with special dietary needs can work with the Site Administrator to develop a feeding plan.

If your student wishes to bring snacks, we ask that they are prepackaged. All snacks will be kept in their locker or cubby area until the appropriate time. **Please do NOT send pop, energy drinks, etc.** as those items will be kept in a student's locker or cubby area until the end of the day. Some transportation vehicles prohibit food/drinks as well.

Fundraising

All fundraising activities conducted by student groups and organizations and/or parent groups must be approved in advance by the Director of Educational Learning Centers. Participation in non-approved fundraising activities is a violation of SWWC policy. Solicitations of students or employees by students for nonschool-related activities will not be allowed during the school day.

Gifts to Employees

Employees are not allowed to solicit, accept, or receive a gift from a student, parent, or other individual or organization of greater than nominal value. Parents/guardians and students are encouraged to write letters and notes of appreciation or to give small tokens of gratitude.

Graduation Ceremony

Student participation in the graduation ceremony is a privilege, not a right. Students who have completed the requirements for graduation are allowed to participate in graduation exercises, unless participation is denied for appropriate reasons, which may include discipline. Graduation exercises are under the control and direction of the resident district and Educational Learning Center Administration.

Interviews of Students by Outside Agencies

Students may not be interviewed during the school day by persons other than a student's parents/guardians or SWWC officials, employees, and/or agents, except as provided by law and/or school policy.

Lunch

Each ELC provides lunches for all students. A copy of the menu will be emailed to you at the beginning of the month. Lunch is to be eaten in designated areas only. Lunch times vary by classroom. Students will be notified of their assigned lunch time on the first day of school. Students may receive lunch at school or bring a prepared lunch from home. Milk will be available to supplement lunches brought from home.

Messages to Students

Office telephones are not for students' personal use. Students will not be called out of class to receive phone messages except in the event of an emergency. Personal cell phone use during the instructional day is prohibited. Students must check their cell phone with ELC personnel before classes begin. Cell phones may be picked up after school. Headphones and other electronic devices will not be allowed in the classroom without prior approval. If these items are brought to school, they will be turned into the office or the classroom teacher. If the student does not turn in the item, the administrator may choose an appropriate disciplinary action. Students who earn cell phone or electronic device privileges through the Positive Behavior Intervention Systems (PBIS) program will be exempt, as outlined in the PBIS program.

Nondiscrimination

The SWWC is committed to inclusive education and providing an equal educational opportunity for all students. The SWWC does not 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, including gender identity and expression, or age in its programs and activities. The school board has designated the individuals listed below as the organization's human rights officer to handle inquiries regarding nondiscrimination. Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process, Policy 522.

SWWC's Title IX Coordinator(s)

Primary: Kari Bailey, Director of Human Resources
Phone: 507-537-2292
Email: kari.bailey@swwc.org
Address: 100 London Road, Marshall, MN 56258

Alternate: Cliff Carmody, Executive Director
Phone: 507-537-2251
Email: Cliff.Carmody@swwc.org
Address: 100 London Road, Marshall, MN 56258

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

Notice of Violent Behavior by Students

SWWC will give notice to teachers and other appropriate SWWC staff before students with a history of violent behavior are placed in their classrooms. Prior to giving this notice, SWWC officials will inform the student's parent or guardian that the notice will be given. The student's parents/guardians have the right to review and challenge their child's records, including the data documenting the history of violent behavior.

Parent and Teacher Conferences

The ELCs do not hold traditional parent teacher conferences; however, ELC staff meet with Individualized Education Program (IEP) teams, minimally, once a year. Most often, IEP teams, in part or in whole, meet more frequently throughout the year to discuss student progress, or lack thereof. For more information, contact the site administrator.

Parent Volunteers

Due to the nature of educational programming at the Educational Learning Centers, parents are not allowed to volunteer in the building during instructional hours. Any volunteer work needs to be coordinated with the Site Administrator.

Pledge of Allegiance

Students will recite the Pledge of Allegiance to the flag of the United States of America, at a minimum weekly. Any person who does not wish to participate in reciting the

Pledge of Allegiance for any personal reason may elect not to do so. Students must respect another person's right to make that choice. Students will also receive instruction in the proper etiquette toward, correct display of, and respect for the flag.

Schedule

A schedule is needed to ensure smooth operation of the school. The daily school schedule is often building specific and within the Site Administrator's authority to determine.

School Activities

SWWC provides opportunities for students to pursue special interests that contribute to their physical, mental, and emotional health. Formal instruction is SWWC's priority.

Students who participate in school-sponsored activities are expected to responsibly represent the school and community. All rules pertaining to student conduct and student discipline apply to school activities.

All spectators at school-sponsored activities are expected to behave appropriately. Students and employees may be subject to discipline.

School Closing Procedures

School may be canceled when the site administrator believes severe weather or other circumstances threaten the safety of students and employees. The site administrator will decide as early in the day as possible about closing school or school buildings. School closing announcements will be broadcast over JMC and in some cases local radio and TV stations.

Searches

In the interest of student safety and to ensure that schools are drug free, SWWC authorities may conduct searches. Students violate school policy when they carry contraband on their person or in their personal possessions or store contraband in desks, lockers, or vehicles parked on school property. "Contraband" means any unauthorized item, the possession of which is prohibited by SWWC policy and/or law. If a search yields contraband, SWWC officials will seize the item(s) and, when appropriate, give the item(s) to legal officials for ultimate disposition. Students found to be in violation of this policy are subject to discipline in accordance with SWWC's Student Discipline policy, which may include suspension, exclusion, expulsion, and, when appropriate, the student may be referred to legal officials.

Lockers and Personal Possessions Within a Locker

Under Minnesota law, school lockers are SWWC property. At no time does SWWC relinquish its exclusive control of lockers provided for students' convenience. School officials may inspect the interior of lockers for any reason at any time, without notice, without student consent, and without a search warrant.

Students' personal possessions within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials will provide notice of the search to students whose lockers were searched, unless disclosure would impede an ongoing investigation by police or school officials.

Desks

School desks are SWWC property. At no time does SWWC relinquish its exclusive control of desks provided for students' convenience. School officials may inspect the interior of desks for any reason at any time, without notice, without student consent, and without a search warrant.

Personal Possessions and Student's Person

The personal possessions of a student and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

Vehicles on Campus

Program students are **not** permitted to drive to school unless special permission is granted, by the Executive Director, for the student to drive to school. Students must return home from school in the designated (per IEP) transportation. In the event special permission is granted, students are to park in designated areas. Vehicles parked in non-designated areas will be subject to towing at the owner's expense.

Patrols and Inspections

School officials may conduct routine patrols of student parking lots and other SWWC locations and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

Search of the Interior of a Student's Motor Vehicle

The interior of a student's motor vehicle, including the glove and trunk compartments, in a SWWC location may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to loss of parking privileges and to discipline if the student refuses to open a locked motor vehicle or its compartments under the student's control upon a school official's request.

Student Publications and Materials

SWWC's policy is to protect students' free speech rights while, at the same time, preserving SWWC's obligation to provide a learning environment that is free of disruption. All school publications are under the supervision of the building principal

and/or sponsor. Nonschool-sponsored publications may not be distributed without prior approval.

Distribution of Nonschool-Sponsored Materials on School Premises

SWWC recognizes that students and employees have the right to express themselves on school property. This protection includes distributing non-school-sponsored material, subject to SWWC regulations and procedures, at a reasonable time and place in a reasonable manner. For detailed information, see the Distribution of Non-school Sponsored Materials on School Premises by Students and Employees, Policy 505.

School-Sponsored Media

SWWC may exercise editorial control over the style and content of student expression in school-sponsored media as defined in School Sponsored Student Publications and Activities, Policy 512. Student media advisers shall supervise student writers to ensure compliance with the law and SWWC policies. Students producing school-sponsored media and participating in school activities will be under the supervision of a student media adviser and the school principal. Expression in school sponsored media or school-sponsored activity is prohibited when the material:

1) is obscene to minors
2) is defamatory
3) is profane, harassing, threatening, or intimidating
4) constitutes an unwarranted invasion of privacy
5) violates federal or state law
6) causes a material and substantial disruption of school activities
7) is directed to inciting or producing imminent lawless action on school premises or the violation of lawful school policies or rules, including a policy adopted in accordance with Minnesota Statutes, section 121A.03 or 121A.031
    - Advertises or promotes any product or service not permitted for minors by law
    - Expresses or advocates sexual, racial, or religious harassment or violence or prejudice
    - Is distributed or displayed in violation of time, place, and manner regulations

Expression in school-sponsored media or school-sponsored activity is subject to SWWC editorial control over the style and content when SWWC's actions are reasonably related to legitimate pedagogical concerns. School-sponsored media may be distributed at reasonable times and locations.

Student Records

Student records are classified as public, private, or confidential. State and federal laws protect student records from unauthorized inspection or use and provide parents/ guardians and eligible students with certain rights. For the purposes of student records, an "eligible" student is one who is 18 or older or who is enrolled in an institution of post-secondary education. For more information on the rights of parents/guardians and eligible students regarding student records, see:

- Data Request Policy for Subjects, Policy 551
- Data Request Policy for Public Data, Policy 552

- Protection and Privacy of Pupil Records, Policy 515

Transportation of Public School Students

It is the responsibility of the district where the student resides to arrange for and provide transportation to and from the program, at the expense of the district. Students attending one of the ELCs are not to drive to school. Special permission needs to be received for the student to drive to school. Students must return home from school in the designated (per IEP) transportation. No student will be allowed to change the transportation plan.

Students are required to abide by all the behavioral expectations and regulations while waiting for transportation, being transported, and exiting the vehicle. School transportation stops and school transportation vehicles are considered an extension of school grounds. The health and safety of students and the driver is a priority. The resident district is responsible for discipline issues that may arise during transportation.

Transportation will be provided on all regularly scheduled school days or make-up days. Transportation will not be provided during the summer school break, except in certain circumstances.

Video and Audio Recording - School Buses

All school buses used by SWWC may be equipped for the placement and operation of a video camera. SWWC will post a notice in a conspicuous location informing students that their conversations or actions may be recorded. SWWC may use a video recording of the actions of student passengers as evidence in any disciplinary action arising from the students' misconduct on the bus.

Video and Audio Recording - Places Other Than Buses

SWWC buildings and grounds may be equipped with video cameras. Video surveillance may occur in any SWWC building or on any SWWC property. Video surveillance of locker rooms or bathrooms will only be utilized in extreme situations, with extraordinary controls, and only as expressly approved by the Director of Educational Learning Centers.

PART II — ACADEMICS

Alternative Educational Opportunities

Some students may be at risk of not continuing or completing their educational programs. SWWC provides alternative learning options for students at risk of not succeeding in school. Alternative educational opportunities may include special tutoring, modified curriculum and instruction, instruction through electronic media, special education services, homebound instruction, and enrollment in an alternative learning center, among others. ELC staff will work with the IEP team, including the resident district, in these situations. Students and parents/guardians with questions about these programs should contact the Director of Educational Learning Centers.

Early Graduation

Students may be considered for early graduation after meeting the conditions provided in SWWC policy.

Extended School Year Opportunities

SWWC provides extended school year opportunities to a student who is the subject of an Individualized Education Program (IEP) if the student's IEP team determines the services are necessary during a break in instruction in order to provide a free and appropriate public education. For more information on extended school year opportunities for students with an IEP, contact the IEP case manager.

Field Trips

Field trips may be offered to supplement student learning in which students voluntarily participate and, if so, students who participate may be charged. Students will not be required to pay for instructional trips that take place during the school day, relate directly to a course of study, and require student participation.

Grades

Students' grades will be reported quarterly during the year. Report cards will be sent to parents/guardians or eligible students for review.

Graduation Requirements

Students must meet all course credit requirements and graduation standards, as established by the state and the school board, in order to graduate from the resident district. All students must also pass the state-identified proficiency tests, Minnesota comprehensive assessments, alternate assessments, and/or other applicable tests. Students will have the first opportunity to take a test in basic requirements in third grade. Parents may opt out of the statewide assessments for their student(s) by completing the Statewide Assessments: Parent/Guardian Participation Guide and Refusal Information Form and returning it to the SWWC ELC office.

Parent Right to Know

If a parent requests it, SWWC will provide information regarding the professional qualifications of his/her child's classroom teachers, including, at a minimum, the following:

1. whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. whether the teacher is teaching under emergency or other provisional licensing status through which state qualification or licensing criteria have been waived
3. the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree
4. whether the student is provided services by paraprofessionals and, if so, their qualifications

In addition, SWWC will provide parents with information as to the level of achievement of their child in each of the state academic assessments. SWWC will provide notice to parents if their child has been assigned to, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.

Transition

Transition is initiated when the student is making sufficient progress toward academic and social goals as determined in the student's Individualized Education Plan (IEP). The transition usually begins with the student attending his/her residential school for part of the school day while also continuing in the alternative setting. The student begins a full day at the resident school as soon as possible. The transition period generally is gradual to best fit student needs.

PART III — RULES AND DISCIPLINE

Attendance

Regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students, and establishes regular habits of dependability. Student absence from school should be limited to those instances in which absence is genuinely unavoidable. Parents have the responsibility of encouraging regular attendance and informing the ELC office by 8:15am in the event of a student's absence. For detailed information, see Student Attendance, Policy 503.

Bullying Prohibition

SWWC is committed to providing a safe and respectful learning environment for all students. Acts of bullying, in any form, by either an individual student or a group of students, are prohibited on SWWC property, at school-related functions or activities, on school transportation, and by misuse of technology. For detailed information, see Bullying Prohibition, Policy 514.

Cell Phones and Other Electronic Communication Devices

The SWWC ELC programs prohibit cell phones and other electronic communication devices during the school day unless explicitly permitted by the program administrator and instructor for educational, medical, or emergency purposes. Cell phones should be put away during lectures, group discussion, and activities unless permitted by the instructor for educational, medical, or emergency purposes (e.g., research, note-taking, translation, or calculator use). Students are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by SWWC policies including, but not limited to cheating, bullying, harassment, and malicious and sadistic conduct. If the school district has a reasonable suspicion that a student has violated a school policy, rule, or law by use of a cell phone or other electronic communication device, the school district may search the device. The search of the device will be reasonably related in scope to the circumstances justifying the search. In addition, a student's cell phone or electronic communication device may be confiscated by the school district and, if applicable, provided to law enforcement. Cell phones or other electronic communication devices that are confiscated and retained by the school district will be returned in accordance with school building procedures**.** Internet, Technology, and Cell Phone Acceptable Use, Policy 524

Discipline

Misbehavior by one student can disrupt the learning process for many other students. In addition, students must learn to practice good safety habits, value academic honesty, respect the rights of others, and obey the law. For detailed information on the Student Code of Conduct and consequences for violations, see Student Discipline, Policy 506.

Dress and Appearance

When, in the reasonable judgment of the administration, (1) a student's clothing or appearance may materially and substantially disrupt or interfere with the educational

mission, school environment, classwook, or school activities; (2) may incite or contribute to substantial disorder or invasion of the rights of others; or (3) pose a threat to the health or safety of the student or others, the student will be directed to make modifications. Parents or guardians will be notified. Other consequences may be enforced in line with Student Dress and Appearance, Policy 504.

Drug-Free School and Workplace

The possession and use of alcohol, controlled substances, and toxic substances are prohibited at school or in any other school location before, during, or after school hours. Paraphernalia associated with controlled substances also is prohibited. SWWC will discipline or take appropriate action against anyone who violates this policy.

SWWC policy is not violated when a person brings a controlled substance that has a currently accepted medical treatment use onto a school location for personal use if the person has a physician's prescription for the substance except marijuana is not allowed on school property even if prescribed. Students who have prescriptions must comply with Student Medication and Telehealth Policy 516. SWWC will provide an instructional program in every elementary and secondary school on chemical abuse and the prevention of chemical dependency.

Harassment and Violence Prohibition

SWWC strives to maintain a learning and working environment free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender, identity, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. SWWC prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. Detailed information can be found in Harassment and Violence Prohibition, Policy 413.

Hazing Prohibition

Hazing is prohibited. No student will plan, direct, encourage, aid, or engage in hazing. Students who violate this rule will be subject to disciplinary action pursuant to Student Discipline, Policy 506 and Hazing Prohibition, Policy 526.

Internet Acceptable Use

All SWWC students have conditional access to the SWWC's computer system, including Internet access, for limited educational purposes, including use of the system for classroom activities, educational research, and professional and career development. Use of SWWC's system is a privilege, not a right. Unacceptable use of the SWWC's computer system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate SWWC policies, including, but not limited to, suspension, expulsion, or exclusion; or civil or criminal liability under other applicable laws. A copy of SWWC's Internet, Technology, and Cell Phone Acceptable Use, Policy 524 is available at each building.

Within 30 days of the start of each school year, SWWC must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

1. identify each curriculum, testing, or assessment technology provider with access to educational data
2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract
3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data

SWWC must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.

Students will receive a copy of SWWC's "Internet, Technology, and Cell Phone Acceptable Use" policy and are expected to understand and agree to abide by the policy as a condition of use of the SWWC's computer system. All students who wish to use the SWWC's computer system must sign the Internet Use Agreement form ***yearly***.

Parking on SWWC Property - Visitors

Visitors are permitted to park in designated SWWC visitor parking areas. Unattended vehicles left in other locations on SWWC property may be towed at the owner's expense.

Tobacco-Free Schools

Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction

SWWC students and staff have the right to learn and work in an environment that is tobacco free. School policy is violated by any individual's use of tobacco, tobacco-related devices, or carrying or using activated electronic delivery devices in a public school, on school grounds, in any school-owned vehicles, or at any school events or activities. Students may not possess any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school, on school grounds, in any school-owned vehicles, or at any school events or activities. Any student who violates this policy is subject to SWWC discipline. Details can be found in SWWC's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction, Policy 419. Contact the Director of Educational Learning Centers if you have questions or wish to report violations.

Vandalism

Vandalism of any SWWC property is prohibited. Violators will be disciplined and may be reported to law enforcement officials.

Weapons Prohibition

No person will possess, use, or distribute a weapon when in a school location except as provided in SWWC policy. A “weapon” means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace and other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon. A weapon also includes look-alike weapons. Appropriate discipline and action will be taken against any person who violates this policy. SWWC does not allow the possession, use, or distribution of weapons by students. Discipline of students will include, at a minimum: immediate out-of-school suspension; confiscation of the weapon; immediate notification of police; parent or guardian notification; and recommendation to the superintendent of dismissal for a period of time not to exceed one year. The site administrator shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully. A student who brings a firearm to school will be expelled for at least one year, subject to SWWC discretion on a case-by-case basis. For questions about the School Weapons, Policy 501, contact the Director of Educational Learning Centers.

Behavior Interventions

ELC staff are trained in the use of an approved crisis prevention technique. Every attempt is made to de-escalate student behavior through redirecting, one-one-one conferencing, calming techniques, etc. ELC staff may use Positive Behavior Interventions and Supports.

Restrictive Procedures

Restrictive Procedures means the use of physical holding or seclusion in an emergency. Restrictive Procedures may only be used when included as part of a pupil’s IEP or in an emergency situation.

Physical holding is a restrictive procedure that is physical intervention intended to hold the child immobile or limit a child’s movement and where body contact is the only source of physical restraint. A physical hold is NOT:

- physical contact that helps a child respond to complete a task
- assisting a child without restricting movement
- needing to administer an authorized health-related service or procedure
- needing to physically escort a child when child does not resist, or the child’s resistance is minimal

Seclusion

Seclusion is used only if specified in the student’s IEP or in an emergency situation. It means confining a child alone in a room from which egress is barred. Removing a child from an activity to a location where the child cannot participate in or observe the activity

is NOT classified as seclusion. Seclusion will not be used for students enrolled in any pre-k through third grade program.

PART IV — HEALTH AND SAFETY

Accidents

All student injuries that occur at school, at school-sponsored activities, or on school transportation should be reported to the Site Administrator. Parents/guardians of an injured student will be notified as soon as possible. If the student requires immediate medical attention, the Site Administrator or other SWWC Leader will call 911 or seek emergency medical treatment and then contact the parent(s).

Asbestos Management Plan

SWWC has developed an asbestos management plan. A copy of this plan can be found at each site, as needed.

Lead in Drinking Water

SWWC follows Minnesota requirements regarding lead testing and remediation in school drinking water.

Information regarding testing schedules, testing results, and remediation efforts is available on the SWWC website or upon request.

Crisis Management

SWWC has a Crisis Management Policy, Policy 806. Each school building has its own building-specific crisis management plan. Students and parents will be provided with information as to SWWC- and school-specific plans.

The Crisis Management policy addresses a range of potential crisis situations in SWWC. SWWC has developed general crisis procedures for securing buildings, classroom evacuation, campus evacuation, sheltering, and communication procedures. SWWC will conduct lock-down drills, fire drills, and a tornado drill. Building plans include classroom and building evacuation procedures.

Fire Drills, Lock Down Drills, and Tornado Drills

Pursuant to Minnesota statutes, SWWC shall conduct five fire drills, five lock down drills, and one tornado drill during the school year.

Emergency Contact Information

Emergency Contact Forms are provided to parents annually. It is the responsibility of the parent/guardian to update the school on changes to the emergency contact information.

Health Information - First Aid

The nurse’s office in each building is equipped to handle minor injuries requiring first aid. If the nurse’s office is not open, assistance can be sought from the building’s administrative office. If a student experiences a more serious medical emergency at school, 911 will be called and/or a parent/guardian will be contacted depending on the situation.

SWWC has installed automated external defibrillators (AEDs) near the nurse's office. Tampering with any AED is prohibited and may result in discipline.

Communicable Diseases

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If a parent or guardian suspects that his/her child has a communicable or contagious disease, the parent or guardian should contact the school nurse or principal so that other students who might have been exposed to the disease can be alerted.

Students with certain communicable diseases will not be excluded from attending school in their usual daily attendance settings as long as their health permits and their attendance does not create a significant risk of transmitting the illness to other students or SWWC employees. SWWC will determine on a case-by-case basis whether a contagious student's attendance creates a significant risk of transmitting the illness to others.

Health Service

The student health office is staffed by a trained professional. SWWC employs LPNs or Health Paraprofessionals, under the direction and supervision of the Licensed School Nurse.

If a student becomes ill at school, the student's temperature will be taken, and he/she may rest in a quiet area. If the student continues to feel ill, the parent/guardian will be called and asked to come and pick up their child.

General guidelines are listed below but exceptions can occur when there are attendance concerns or special health conditions. A child should not come to school (and will be sent home from school) if they have:

- A fever of 100 degrees or more in the past 24 hours
- Vomiting or diarrhea in the past 24 hours
- A skin rash that may be disease related
- Open/draining skin sores that cannot be covered
- Inflamed or draining eyes or ears until seen by a health care provider
- Severe, persistent, uncontrollable cough

When your child is ill, please call the ELC daily to report the illness. If we call because your child is ill, please make arrangements for your child to be picked up within the hour.

Immunizations

All students must provide proof of immunization or submit appropriate documentation exempting them from such immunizations in order to enroll or remain enrolled. Students may be exempted from the immunization requirement when the immunization of the student is contraindicated for medical reasons; laboratory confirmation of adequate immunity exists; or due to the conscientiously held beliefs of the parents/guardians or

student. SWWC will maintain a file containing the immunization records for each student in attendance at SWWC for at least five years after the student reaches the age of 18. For a copy of the immunization schedule or to obtain an exemption form or information, contact the Licensed School Nurse.

Medications at School During the School Day

SWWC acknowledges that some students may require prescribed drugs or medication during the school day. The administration of prescription medication or drugs at school requires a completed signed request from the student's parent and physician. An "Administering Prescription Medications" form must be completed once a year and/or when a change in the prescription or requirements for administration occurs. Prescription medications must be brought to school in the original container labeled for the student by a pharmacist and must be administered in a manner consistent with the instructions on the label. Prescription medications are not to be carried by the student but will be left with the appropriate school personnel. Exceptions that may be allowed include: prescription asthma medications administered with an inhaler pursuant to SWWC policy and procedures, medications administered as noted in a written agreement between SWWC and parent or as specified in an Individualized Education Program (IEP), a plan developed under Section 504 of the Rehabilitation Act (section 504 Plan), or an individual health plan (IHP). Marijuana is not allowed on school property even if prescribed. SWWC is to be notified of any change in administration of a student's prescription medication.

Suicide Prevention Information

Contact the 988 Suicide and Crisis Lifeline if you are experiencing mental health-related distress or are worried about a loved one who may need crisis support.

- Call or text 988
- Chat at 988lifeline.org

Connect with a trained crisis counselor. 988 is confidential, free, and available 24/7/365. Visit the 988 Suicide and Crisis Lifeline for more information at 988lifeline.org. Read the Suicide Prevention, Policy 553 for further information.

Pesticide Application Notice

SWWC may plan to apply pesticide(s) on school property. To the extent SWWC applies certain pesticides, SWWC will provide a notice by September 15 as to SWWC's plan to use these pesticides. A parent may request to be notified prior to the application of certain pesticides on days different from those specified in the notice. Additional information regarding what pesticides are used, an estimated schedule of pesticide applications (which will be available for review or copying at the school office), and the long-term health effects of the class of pesticide on children can be requested by contacting the site administrator.

Safety

The safety of students on campus and at school-related activities is a high priority of the SWWC. While SWWC-wide safety procedures are in place, student and parent cooperation is essential to ensuring school safety.

Signing “In” and “Out” of Building

When students arrive late or leave the building during the school day for any reason, they must sign “in” or sign “out” in the ELC office. Parents will need prior approval from staff to visit the ELC. Visitors are also asked to sign in and out.

Appendices

SWWC Internet Use Agreement

STUDENT

I have read and do understand SWWC policies relating to safety and acceptable use of the school's technology systems and the Internet and agree to abide by them. I further understand that should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.

User's Full Name (please print): _____

User Signature: _____

Date: _____

PARENT OR GUARDIAN

As the parent or guardian of this student, I have read SWWC policies relating to safety and acceptable use of the school's technology systems and the Internet. I understand that this access is designed for educational purposes. SWWC has taken precautions to eliminate controversial material. However, I also recognize it is impossible for SWWC to restrict access to all controversial materials and I will not hold SWWC or its employees or agents responsible for materials acquired on the Internet. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give permission to issue an account for my child and certify that the information contained on this form is correct.

Parent or Guardian's Name (please print): _____

Parent or Guardian's Signature: _____

Statewide Assessments:
Parent/Guardian Participation Guide and Refusal Information

Your student's participation in statewide assessments is important as it allows your school and district to ensure all students have access to a high-quality education. In the past, students with disabilities and English learners were often excluded from statewide assessments. When all students participate in statewide assessments, schools and educators have more information to see how all students are doing. This helps schools continuously improve the education they provide and identify groups, grades, or subjects that may need additional support.

Assessments Connect to Standards

Statewide assessments are based on the Minnesota Academic Standards or the WIDA English Language Development Standards. These standards define the knowledge and skills students should be learning in K-12 districts and charter schools. Minnesota prioritizes high-quality education, and statewide assessments give educators and leaders an opportunity to evaluate student and school success.

Minnesota Comprehensive Assessments (MCAs)
MCA and the alternate assessments (Minnesota Test of Academic Skills (MTAS)/Alternate MCA) are annual assessments in reading, mathematics, and science that provide a snapshot of student learning aligned to the Minnesota K-12 Academic Standards.

WIDA ACCESS and WIDA Alternate ACCESS for English Learners
The WIDA ACCESS and WIDA Alternate ACCESS are the annual assessments for English learners that provide information about their progress in learning academic English, based on the WIDA English Language Development Standards.

Statewide Assessments Help Families and Students

Participating in statewide assessments gives families a snapshot of their student's learning so they can advocate for their success in school. High school students may use MCA results for:

- Postsecondary Enrollment Options (PSEO) enrollment eligibility in grade 10.
- Course placement at a Minnesota State college or university. If students receive a college-ready score, they may not need to take a remedial, noncredit course for that subject.

English learners who take the WIDA ACCESS or WIDA Alternate ACCESS and meet certain requirements have the opportunity to exit from EL services.

Taking Statewide Assessments Helps Your Student's School

Statewide assessments provide information to your school and district about how all students are engaging with the content they learn in school. This information helps:

- Educators evaluate their instructional materials.
- Schools and districts identify inequities between groups, explore root causes, and implement supports.
- School and district leaders make decisions on how to use money and resources to support all students.

Student Participation in Statewide Assessments

Student participation in state and locally required assessments is a parent/guardian choice. If you choose to have your student not participate in a statewide assessment, please provide a reason for your decision on the following page. Contact your student's school to learn more about locally required assessments.

Updated March 2026

Consequences of Not Participating in Statewide Assessments

- The student will not receive an individual score. For WIDA ACCESS and WIDA Alternate ACCESS, the student will not have the opportunity to exit from EL services.
- School and district assessment results will be incomplete, making it more difficult to have an accurate picture of student learning.
- Certain statewide assessment calculations include all eligible students, including those who do not participate. Non-participation impacts accountability results, which may affect the school's ability to be identified for support or recognized for success.

Check with your local school or district to see if there are any additional consequences for not participating.

Explore the Statewide Testing page for more information.

(education.mn.gov > Students and Families > Programs and Initiatives > Statewide Testing)

Additional Information

- On average, students spend less than 1% of instructional time taking statewide assessments each year.
- Minnesota Statutes limit the total amount of time students can spend taking other district- or school-wide assessments to 11 hours or less each school year, depending on the grade.
- School districts and charter schools are required to publish an assessment calendar on their website by October 1 each school year. Refer to your district or charter school's website for more information on assessments.

Statewide Assessments: Parent/Guardian Decision Not to Participate

By completing this form, you are acknowledging that your student will not participate in statewide assessments and will not receive individual assessment results. **This form must be submitted to your student's school or district office prior to testing.**

First Name: _____ Middle Initial: _____ Last Name: _____

Date of Birth: _____ Current Grade in School: _____ Student ID Number (if known): _____

School: _____ District: _____

Parent/Guardian Name (print): _____

Parent/Guardian Signature: _____ Date: _____

Reason for Refusal: _____

Please indicate the statewide assessment(s) your student will not participate in this school year:

- ☐ Reading MCA/Alternate MCA
- ☐ Science MCA/Alternate MCA
- ☐ Mathematics MCA/MTAS
- ☐ WIDA ACCESS/WIDA Alternate ACCESS

Contact your school or district for more information on participation decisions for local assessments.

(Note: This form is only applicable for the 20___ to 20___ school year.)

Updated March 2026

501 SCHOOL WEAPONS POLICY

I. PURPOSE

The purpose of this policy is to assure a safe school environment for students, staff and the public.

II. GENERAL STATEMENT OF POLICY

No student or non-student, including adults and visitors, shall possess, use or distribute a weapon when in a school location except as provided in this policy. SWWC will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

III. DEFINITIONS

A. "Weapon"

1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.

3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

B. "School Location" includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of 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, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of SWWC.

C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.

D. “Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed 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, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

IV. EXCEPTIONS

A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal’s office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal’s office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or immediately notifies an administrator or teacher of the weapon’s location.

B. It shall not be a violation of this policy if a non-student falls within one of the following categories:

1. Licensed peace officers, military personnel, or students or non-students participating in military training, who are on duty performing official duties;

2. persons authorized to carry a pistol under Minnesota Statutes, section 624.714, while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;

3. Persons who keep or store in a motor vehicle pistols in accordance with Minnesota Statutes, sections 624.714 or 624.715, or other firearms in accordance with Minnesota Statutes, section 97B.045;

a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for “antique firearms which are carried or possessed as curiosities or for their historical significance or value.”

b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a

handgun carried in compliance with sections 624.714 and 624.715.

4. Firearm safety or marksmanship courses or activities for students or non-students conducted on school property;

5. Possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

6. A gun or knife show held on school property;

7. Possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or

8. Persons who are on unimproved property owned or leased by a child care center, school or SWWC unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

While SWWC does not allow the possession, use or distribution of weapons by students or non-students, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or non-students. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation of the rule against the possession, use or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

SWWC may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the "lawful" carry or possession of a firearm in a school parking lot or parking facility is specifically limited to non-student permit-holders authorized under Minnesota Statutes, section 624.714, to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/ DISTRIBUTION

A. SWWC does not allow the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students willfully possessing, using or distributing weapons shall include:

1. Immediate out-of-school suspension;

2. Confiscation of the weapon;

3. Immediate notification of police;

4. Parent or guardian notification; and

5. Resident district notification

6. Recommendation to the superintendent of dismissal for a period of time not to exceed one year.

B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The resident district board may modify this requirement on a case-by-case basis.

C. The Site Administrator shall, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully.

D. Administrative Discretion

While SWWC does not allow the possession, use or distribution of weapons by students, the principal and/or resident district principal may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS

A. Employees

1. An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, or discharge as deemed appropriate by the SWWC Board of Directors .

2. Sanctions against employees, including non-renewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and SWWC policies.

3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

B. Other Non-students

1. Any member of the public who violates this policy shall be

informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.

2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

VII. REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES

A. The school district must electronically report to the Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under Minnesota Statutes, section 121A.06.

Legal References:

Minn. Stat. § 97B.045 (Transportation of Firearms)
Minn. Stat. § 121A.05 (Referral to Police)
Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
Minn. Stat. § 152.01, subd. 14(a) (Definition of a School Zone)
Minn. Stat. § 609.02, subd. 6 (Definition of Dangerous Weapon)
Minn. Stat. § 609.605 (Trespass)
Minn. Stat. § 609.66 (Dangerous Weapons)
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)
18 U.S.C. § 921 (Definition of Firearm)
In re C.R.M., 611 N.W.2d 802 (Minn. 2000)
In re A.D., 883 N.W.2d 251 (Minn. 2016)

Cross References:

SWWC Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
SWWC Policy 506 (Student Discipline)
SWWC Policy 525 (Violence Prevention)
SWWC Policy 903 (Visitors to School District Buildings and Sites)

502 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, AND STUDENT'S PERSON

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing ISD 991's policies against contraband.

II. GENERAL STATEMENT OF POLICY

A. Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of ISD 991. At no time does ISD 991 relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials 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 may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

B. Desks

School desks are the property of ISD 991. At no time does ISD 991 relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

D. A violation of this policy occurs when students use lockers and desks for unauthorized purposes or to store contraband. A violation occurs when students carry contraband on their person or in their personal possessions.

III. DEFINITIONS

A. "Contraband" means any unauthorized item possession of which is prohibited by ISD 991 policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to ISD 991, and stolen property.

B. “Personal possessions” includes but is not limited to purses, backpacks, bookbags, packages, and clothing.

C. “Reasonable suspicion” means that a school official has grounds to believe that the search will result in evidence of a violation of ISD 991 policy, rules, and/or law. Reasonable suspicion may be based on a school official’s personal observation, a report from a student, parent or staff member, a student’s suspicious behavior, a student’s age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

D. “Reasonable scope” means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

IV. PROCEDURES

A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.

B. School officials may inspect the personal possessions of a student and/or a student’s person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student’s person will be reasonable in its scope and intrusiveness.

C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.

D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.

E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.

F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.

G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. ISD 991 shall provide a copy of this policy to a student when the student is given use of a locker.

V. DIRECTIVES AND GUIDELINES

School administration may establish reasonable directives and guidelines which address specific needs of ISD 991, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

VI. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials for ultimate disposition.

VII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline in accordance with ISD 991's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal officials.

Legal References:

U. S. Const., amend. IV
Minn. Const., art. I, § 10
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)
G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013)
Minn. Stat. § 121A.72 (School Locker Policy)

Cross References:

SWWC Policy 417 (Chemical Use and Abuse)
SWWC Policy 418 (Drug-Free Workplace/Drug-Free School)
SWWC Policy 501 (School Weapons)
SWWC Policy 506 (Student Discipline)

503 STUDENT ATTENDANCE

I. PURPOSE

A. The SWWC Board believes that regular school attendance is directly related to success in academic work, benefits students socially, provides opportunities for important communications between teachers and students and establishes regular habits of dependability important to the future of the student. The purpose of this policy is to encourage regular school attendance. It is intended to be positive and not punitive.

B. This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher and administrators. This policy will assist students in attending class.

II. GENERAL STATEMENT OF POLICY

A. Responsibilities

1. Student's Responsibility

It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

2. Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

3. Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and to maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

4. Administrator's Responsibility

a. It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's responsibility to be familiar with all

procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance and to prepare a list of the previous day's absences stating the status of each. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems.

b. In accordance with the Minnesota Compulsory Instruction Law, Minnesota Statutes, section 120A.22, the students of the ISD 991 are REQUIRED to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the SWWC Board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence.

B. Attendance Procedures

Attendance procedures shall be presented to the SWWC Board for review and approval. When approved by the SWWC Board, the attendance procedures will be included as an addendum to this policy.

1. Excused Absences

a. A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse.

b. To be considered an excused absence, the student's parent or legal guardian may be asked to verify, in writing, the reason for the student's absence from school.

c. The board of the district in which the child resides may approve the application under subparagraph (a) above upon a legitimate exception being demonstrated to the satisfaction of that board.

d. Legitimate Exceptions

The following reasons shall be sufficient to constitute excused absences:

(1) that the child's physical or mental health is such as to prevent attendance at school or application to study for the

period required, which includes:

(a) child illness, medical, dental, orthodontic, or counseling appointments; including appointments conducted through telehealth;

(b) family emergencies;

(c) the death or serious illness or funeral of an immediate family member;

(d) active duty in any military branch of the United States;

(e) the child has a condition that requires ongoing treatment for a mental health diagnosis; or

(f) other exemptions included in this attendance policy.

(2) that the child has already completed state and district standards required for graduation from high school; or

(3) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, instruction conducted by a Tribal spiritual or cultural advisor, or a school for religious instruction conducted and maintained by a church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. A child may be absent from school on days that the child attends upon instruction according to this clause.

c. Consequences of Excused Absences

(1) Students whose absences are excused are required to make up all assignments missed or to complete alternative assignments as deemed appropriate by the classroom teacher.

(2) Work missed because of absence must be made up at the discretion of the teacher. Any work not completed within this period shall result in “no credit” for the missed assignment.

(3) Excessive excused absences may also result in Continuing Truant Notification.

2. Unexcused Absences

a. The following are examples of absences which will **not** be excused:

(1) Truancy. An absence by a student which was not approved by the parent and/or the school district.

(2) Any absence in which the student failed to comply with any reporting requirements of the school district's attendance procedures.

(3) Work at home.

(4) Work at a business, except under a school-sponsored work release program.

(5) Absences resulting from cumulated unexcused tardies (3 tardies equal one unexcused absence).

(6) Any other absence not included under the attendance procedures set out in this policy.

b. Consequences of Unexcused Absences

(1) Absences resulting from official suspension will be handled in accordance with the Pupil Fair Dismissal Act, Minnesota Statutes,, sections 121A.40-121A.56.

(2) Days during which a student is suspended from school shall not be counted in a student's total cumulated unexcused absences.

(3) In cases of recurring unexcused absences, the administration may also request the county attorney to file a petition with the juvenile court, pursuant to Minnesota Statutes,.

(4) Students with unexcused absences shall be subject to discipline in the following manner:

(a) Students who miss school without a valid excuse will receive an unexcused absence. In accordance with the Minnesota Law, unexcused absences for three (3) school days will result in a Continuing Truant Notification (a certified letter will be sent to the parents/guardian) and contact with the resident district principal. After five (5) unexcused absences, the student and

parents will be required to meet with SWWC staff and a county social worker may participate. After seven (7) unexcused absences, notification will be made to the appropriate county attorney to issue a citation for habitual truancy. **Truancy includes unexcused absences that occur throughout the entire school year.**

Parents or guardians may call the school office for updates on their student's attendance. A printed absence report is available upon request.

C. Tardiness

1. Definition: Students are expected to be in their assigned area at designated times. Failure to do so constitutes tardiness.

2. Procedures for Reporting Tardiness

   a. Students tardy at the start of school must report to the school office for an admission slip.

   b. Tardiness between periods will be handled by the teacher.

3. Excused Tardiness

   Valid excuses for tardiness are:

   a. Illness.

   b. Serious illness in the student's immediate family.

   c. A death or funeral in the student's immediate family or of a close friend or relative.

   d. Medical, dental, orthodontic, or mental health treatment.

   e. Court appearances occasioned by family or personal action.

   f. Physical emergency conditions such as fire, flood, storm, etc.

   g. Any tardiness for which the student has been excused in writing by an administrator or faculty member.

4. Unexcused Tardiness

   a. An unexcused tardiness is failing to be in an assigned area

at the designated time class period commences without a valid excuse.

b. Consequences of tardiness may include detention after two (2) unexcused tardies. In addition, three (3) unexcused tardies are equivalent to one unexcused absence.

D. Participation in Extracurricular Activities and School-Sponsored On-the-Job Training Programs

1. This policy applies to all students involved in any extracurricular activity scheduled either during or outside the school day and any school-sponsored on-the-job training programs.

2. School-initiated absences will be accepted and participation permitted.

3. A student may not participate in any activity or program if he or she has an unexcused absence from any class during the day.

4. If a student is suspended from any class, he or she may not participate in any activity or program that day.

5. If a student is absent from school due to medical reasons, he or she must present a physician's statement or a statement from the student's parent or guardian clearing the student for participation that day. The note must be presented to the coach or advisor before the student participates in the activity or program.

III. RELIGIOUS OBSERVANCE ACCOMMODATION

Reasonable efforts will be made by SWWC to accommodate any student who wishes to be excused from a curricular activity for a religious observance. Requests for accommodations should be directed to the Site Administrator.

IV DISSEMINATION OF POLICY

1. Copies of this policy shall be made available to all students and parents at the commencement of each school year. This policy shall also be available upon request in each site administrator's office.
2. SWWC will provide annual notice to parents of SWWC's policy relating to a student's absence from school for religious observance.

V. REQUIRED REPORTING

A. Continuing Truant

Minnesota Statutes,, section 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minnesota Statutes,, section 120A.22 and is absent from instruction in a school, as defined in Minnesota Statutes,, section 120A.05, without valid

excuse within a single school year for:

1. Three days if the child is in elementary school; or

2. Three or more class periods on three days if the child is in middle school, junior high school, or high school.

B. Reporting Responsibility

When a student is initially classified as a continuing truant, Minnesota Statutes,, section 260A.03 provides that the school attendance officer or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. That the child is truant;

2. That the parent or guardian should notify the school if there is a valid excuse for the child's absences;

3. That the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minnesota Statutes,, section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minnesota Statutes,, section 120A.34;

4. That this notification serves as the notification required by Minnesota Statutes,, section 120A.34;

5. That alternative educational programs and services may be available in the child's enrolling or resident district;

6. That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;

7. That if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minnesota Statutes, Chapter 260C;

8. That if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minnesota Statutes,, section 260C.201; and

9. That it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

C. Habitual Truant

1. A habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school

year if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.

2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minnesota Statutes, Chapter 260A.

Legal References: Minn. Stat. 120A.05 (Definitions)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 120A.26 (Enforcement and Prosecution)
Minn. Stat. § 120A.34 (Violations; Penalties)
Minn. Stat. § 120A.35 (Absence from School for Religious Observance)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 260A.02 (Definitions)
Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is Continuing Truant)
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)
Minn. Stat. 260C.201 (Dispositions: Children in Need of Protection or Services or Neglected and in Foster Care
Goss v. Lopez, 419 U.S. 565 (1975)
Slocum v. Holton Bd. of Educ., 429 N.W.2d 607 (Mich. App. Ct. 1988)
Campbell v. Bd. of Educ. of New Milford, 475 A.2d 289 (Conn. 1984)
Hamer v. Bd. of Educ. of Twp. High Sch. Dist. No. 113, 66 Ill. App.3d 7, 383 N.E.2d 231 (1978)
Gutierrez v. Sch. Dist. R-1, 585 P.2d 935 (Co. Ct. App. 1978)
Knight v. Bd. of Educ., 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)
Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References: SWWC Policy 506 (Student Discipline)

504 STUDENT DRESS AND APPEARANCE

I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations that support educational goals. Students and their families have the primary and joint responsibility for student clothing and appearance. Teachers and other district staff should exemplify and reinforce student clothing and appearance standards and help students develop an understanding of appropriate appearance in the school environment.

II. GENERAL STATEMENT OF POLICY

A. The policy of SWWC is to encourage students to be dressed suitably [or appropriately] for school activities and in keeping with community standards.

B. A student's clothing or appearance may not materially and substantially disrupt or interfere with the educational mission, school environment, classwork, or school activities. A student's dress or appearance may not incite or contribute to substantial disorder or invasion of the rights of others or pose a threat to the health or safety of the student or others.

C. Students' rights to choose their dress and appearance for school and school-related activities will be protected provided that the clothing:

1. does not injure people or damage property;

2. does not materially and substantially disrupt or interfere with the educational process or classwork;

3. does not interfere with the requirements of discipline in the operation of the school or school activities, materially disrupt classwork;

4. does not involve substantial disorder or invasion of the rights of others.

Such clothing includes, but is not limited to, the following:

1. Clothing for the weather.

2. Clothing that does not create a health or safety hazard.

3. Clothing for the activity (i.e., physical education or the classroom).

4. Footwear that does not present a safety hazard.

5. Headwear, including hats or head coverings, are allowed provided that it does not cover the student's face to the extent that the student is not identifiable. Headgear must not interfere with the educational process. Hoodies must allow

the face and ears to be visible from the front and sides and must not interfere with the line of sight to any student or staff including while the student wearing the hoodie is seated. Students may wear headgear for a medical or religious reason.

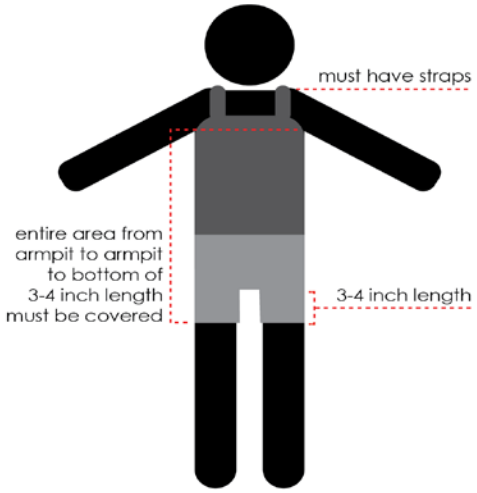
6. Hair, including but not limited to hair texture and hair styles such as braids, locks, and twists.

C. Student clothing may not include the following:

1. Option 1: Students may not wear inappropriate clothing.

   Option 2: Extremely brief garments and see-through garments may not be worn.

   Option 3: Clothing must cover areas from one armpit across to the other armpit, down to approximately 3 to 4 inches in length on the upper thighs (see image).



2. Clothing (including emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry) bearing a message that is lewd, vulgar, obscene, libelous, or denigrates, harasses, discriminates against others on the basis of protected class status under the Minnesota Human Rights Act, or violates school district policies prohibiting discrimination, violence, harassment, or other harmful activities.

3. Apparel promoting products or activities that are illegal for use by minors.

4. Communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, or approves, advances,

or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in Policy 413.

D. The intention of this policy is not to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing clothing on which such messages are stated. Such messages are acceptable as long as they are not lewd; vulgar; obscene; libelous; do not denigrate, harass, or discriminate against others on the basis of protected class status under the Minnesota Human Rights Act; or do not violate SWWC policies prohibiting discrimination, bullying, violence, harassment, or other harmful activities.

III. PROCEDURES

A. Enforcement of a student dress code will be approached with careful consideration and sensitivity, with the goals of supporting students as they express themselves and pursue their full potential, of not shaming students, and of minimalizing loss of instructional time. When possible, dress code matters should be addressed privately with students, should seek to determine whether factors exist that impact the student's ability to comply with the dress code, and should seek to address such issues.

B. When, in the reasonable judgment of the administration, (1) a student's clothing or appearance may materially and substantially disrupt or interfere with the educational mission, school environment, classwork, or school activities; (2) may incite or contribute to substantial disorder or invasion of the rights of others; or (3) pose a threat to the health or safety of the student or others, the student will be directed to make modifications. Parents or guardians will be notified. Other consequences may be enforced in line with Policy 506 (Student Discipline).

C. The administration may recommend a form of clothing considered appropriate for a specific event and communicate the recommendation to students and parents or guardians. SWWC must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a graduation ceremony.

D. Likewise, an organized student group may recommend a form of clothing for students considered appropriate for a specific event and bring such recommendation to the administration for approval.

Legal References: U. S. Const., amend. I
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
B.W.A. v. Farmington R-7 Sch. Dist., 504 F.3d 734 (8th Cir. 2009)
Lowry V. Watson Chapel Sch. Dist., 540 F.3d 752 (8th Cir. 2008)
Stephenson v. Davenport Community School District, 110 F.3d 1303 (8th Cir. 1997)
B.H. ex rel. Hawk v. Easton Area School Dist. 725 F.3d 293 (3rd Cir. 2013)
D.B. ex rel. Brogdon v. Lafon, 217 Fed.Appx. 518 (6th Cir. 2007)
Hardwick v. Heyward, 711 F.3d 426 (4th Cir. 2013)

Madrid v. Anthony, 510 F.Supp.2d 425 (S.D. Tex. 2007)
McIntire v. Bethel School, I.S.D. No. 3, 804 F.Supp. 1415, (W.D. Okla. 1992)
Hicks v. Halifax County Board of Educ., 93 F.Supp.2d 649 (E.D.N.C. 1999)
Olesen v. Bd. of Educ. of Sch. Dist. No. 228, 676 F.Supp. 820, (N.D. Ill. 1987)

Cross References: SWWC Policy 413 (Harassment and Violence)
SWWC Policy 506 (Student Discipline)
SWWC Policy 525 (Violence Prevention)

505 DISTRIBUTION OF NONSCHOOL-SPONSORED MATERIALS ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES

I. PURPOSE

The purpose of this policy is to protect the exercise of students' and employees' free speech rights, taking into consideration the educational objectives and responsibilities of SWWC.

II. GENERAL STATEMENT OF POLICY

A. SWWC recognizes that students and employees have the right to express themselves on school property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, non-school-sponsored material.

B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of SWWC, the SWWC Board adopts the following regulations and procedures regarding distribution of non-school-sponsored material on school property and at school activities.

III. DEFINITIONS

A. "Distribute" or "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing material in internal staff or student mailboxes.

B. "Non-school-sponsored material" or "unofficial material" includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks and other publications funded and/or sponsored or authorized by the school. Examples of non-school-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects.

C. "Obscene to minors" means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;

2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

D. "Minor" means any person under the age of eighteen (18).

E. "Material and substantial disruption" of a normal school activity means:

1. Where the normal school activity is an educational program of the district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.

2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

F. "School activities" means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.

G. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

A. Students and employees of SWWC have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, non-school-sponsored material.

B. Requests for distribution of non-school-sponsored material will be reviewed by the administration on a case-by-case basis. However, distribution of the materials listed below is always prohibited. Material is prohibited that:

1. is obscene to minors;

2. is libelous or slanderous;

3. is pervasively indecent or vulgar or contains any indecent or

vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;

4. advertises or promotes any product or service not permitted to minors by law;

5. advocates violence or other illegal conduct;

6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religious or ethnic origin);

7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.

C. Distribution by students and employees of non-school-sponsored materials on SWWC property are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and manner of distribution, the administration will consider factors including, but not limited to, the following:

1. whether the material is educationally related;

2. the extent to which distribution is likely to cause disruption of or interference with SWWC's educational objectives, discipline, or school activities;

3. whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways;

4. the quantity or size of materials to be distributed;

5. whether distribution would require assignment of SWWC staff, use of SWWC equipment, or other resources;

6. whether distribution would require that non-school persons be present on the school grounds;

7. whether the materials are a solicitation for goods or services not requested by the recipients.

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

A. No non-school-sponsored material shall be distributed during and at the

place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.

B. Distribution of non-school-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school, and school parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

C. No one shall coerce a student or staff member to accept any publication.

D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

VI. PROCEDURES

A. Any student or employee wishing to distribute (as defined in this policy) non-school- sponsored material must first submit for approval a copy of the material to the principal at least 24 hours in advance of desired distribution time, together with the following information:

1. Name and phone number of the person submitting the request and, if a student, the room number of his or her first-period class.

2. Date(s) and time(s) of day intended for distribution.

3. Location where material will be distributed.

4. If intended for students, the grade(s) of students to whom the distribution is intended.

B. Within one school day, the principal will review the request and render a decision. In the event that permission to distribute the material is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.

C. If the person submitting the request does not receive a response within one school day, the person shall contact the office to verify that the lack of response was not due to an inability to locate the person.

D. If the person is dissatisfied with the decision of the principal, the person may submit a written request for appeal to the superintendent. If the person does not receive a response within three (3) school days (not counting Saturdays, Sundays and holidays) of submitting the appeal, the person shall contact the office of the Superintendent to verify that the lack of response is not due to an inability to locate the person.

E. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.

VII. DISCIPLINARY ACTION

A. Distribution by any student of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with SWWC's Student Discipline Policy.

B. Distribution by any employee of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, SWWC policies and procedures, and/or governing statute.

C. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called.

VIII. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES

A copy of this policy will be published in student handbooks and posted in school buildings.

IX. IMPLEMENTATION

The SWWC administration may develop any additional guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

[Note: School districts are encouraged to consider additional guidelines which reflect varied local practices relating to this subject matter, including addressing the subject of consistency and uniformity for approving or disapproving practices under this policy.]

Legal References: U. S. Const., amend. I
Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)
Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)
Tinker V. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1986)
Roark v. South Iron R-1 School Dist., 573 F.3d 556 (8th Cir. 2009)
Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)

Cross References: SWWC Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
SWWC Policy 506 (Student Discipline)

SWWC Policy 512 (School-Sponsored Student Publications)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Non-school Persons)

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the SWWC's expectations for student conduct. Such compliance will enhance the SWWC'S ability to maintain discipline and ensure that there is no interference with the educational process. SWWC 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

SWWC recognizes that individual responsibility and mutual respect are essential components of the educational process. SWWC 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 for 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 SWWC is that a fair and equitable 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 SWWC Service Cooperative Board, has developed this policy which governs student conduct and applies to all students of SWWC.

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 an SWWC site or is awaiting enrollment in a new district, SWWC’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. SWWC 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 at SWWC under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and

3. SWWC 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 SWWC website.

V. AREAS OF RESPONSIBILITY

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

B. Executive Director. The Executive Director shall oversee the established 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 Executive Director shall also oversee establishing 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 SWWC for approval and shall be attached as an addendum to this policy.

C. Building Administrator. The Building Administrator is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The Building Administrator shall give direction and support to all school personnel performing their duties within the framework of this policy. The Building Administrator shall consult with parents of students conducting themselves in a manner contrary to the policy. The Building Administrator 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 Building Administrator, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another.

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. In exercising the teacher's lawful authority, a teacher 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.

E. Other School Personnel. All school 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 administration , SWWC employee, school bus driver, or other agent of SWWC, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

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

2. Beginning with the 2024-2025 school year, SWWC must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).

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 SWWC authorities;

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

E. To assist the SWWC 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 SWWC'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 SWWC 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 SWWC. 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 SWWC buildings, SWWC grounds, and SWWC property or property immediately adjacent to SWWC grounds; SWWC-sponsored activities or trips; SWWC bus stops; SWWC buses, SWWC vehicles, SWWC contracted vehicles,

or any other vehicles approved for SWWC purposes; the area of entrance or departure from SWWC premises or events; and all SWWC-related functions, SWWC-sponsored activities, events, or trips. SWWC property also may mean a student's walking route to or from school for purposes of attending school or SWWC-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, SWWC 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 SWWC 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 SWWC 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 SWWC Hazing Prohibition Policy;

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

6. Violation of the SWWC 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 SWWC's Tobacco-Free Environment 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 SWWC Weapons Policy;

14. Violation of the SWWC 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 SWWC 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 SWWC 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 SWWC Search of Student Lockers, Desks,

Personal Possessions, and Student's Person Policy;

27. Violation of the SWWC 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 SWWC 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 SWWC 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 SWWC personnel;

36. Violation of the SWWC 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 SWWC 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 or that degrades 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 SWWC Distribution of Non-school-Sponsored Materials on School Premises by Students and Employees Policy;

44. Violation of the SWWC's one to one device rules and regulations;

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

46. Other acts, as determined by SWWC, which are disruptive of the educational process or dangerous or detrimental to the student or other students, SWWC 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 SWWC or the safety or welfare of students or employees.

IX. RECESS AND OTHER BREAKS

A. SWWC 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.

B. SWWC 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 SWWC 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 SWWC or as specified in the student's individual education plan (IEP). At a minimum, violation of SWWC rules, regulations,

policies or procedures will result in discussion of the violation and a verbal warning. SWWC shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by SWWC. Disciplinary action may include, but is not limited to, one or more of the following:

A. Student conference with teacher, Building Administrator, counselor, social worker or other school/resident district personnel, and verbal warning;

B. Confiscation by SWWC personnel and/or by law enforcement of any time, article, object, or thing, prohibited by, or used in the violation of, any SWWC policy, rule, regulation, procedure, or state or federal law. If confiscated by SWWC, 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;

S. Expulsion under the Pupil Fair Dismissal Act;

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

U. Other disciplinary action as deemed appropriate by SWWC.

XI. REMOVAL OF STUDENTS FROM CLASS

A. 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, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove 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, Building Administrator, or other SWWC 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 SWWC 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 SWWC 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. SWWC is encouraged to adopt a policy on parental notification for unscheduled student removal from class. SWWC must consult with child abuse prevention experts to incorporate best practices into the policy. A school with a policy on parental notification must include the policy in the employee handbook and disseminate information to school staff regarding child abuse prevention in a school setting.

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.

SWWC 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.

SWWC shall not dismiss any student without attempting to use nonexclusionary 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.

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 SWWC 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 SWWC 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. 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 SWWC administration, under rules promulgated by the SWWC 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 resident district administration 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 the 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 SWWC shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian prior to subsequently removing the student from school. The purpose of this meeting is to attempt to determine the pupil’s need for assessment or other services.

4. The definition of suspension 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. SWWC 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. SWWC 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 resident board is in the process of initiating an expulsion, in which case SWWC 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 consecutive days or ten 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 teacher, 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 days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

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 Minnesota Statutes section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minnesota Statutes section 120B.02, although in a different setting.

7. SWWC 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, SWWC 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 SWWC administration notifies a student of the grounds for suspension, SWWC 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 as supervised by the Building Administrator or the Building Administrator's designee; and
c. petition the juvenile court that the student is in need of services under Minnesota Statutes chapter 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, Minnesota Statutes sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

10. SWWC 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 resident district 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 resident district 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 resident district board.

2. "Exclusion" means an action taken by the resident district 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 resident district 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, sections121A.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 resident 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 sections 121A.40-121A.56; describe the nonexclusionary 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 resident 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 resident 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 resident 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 resident 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 resident district board may appoint an attorney to represent the resident 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 resident 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 resident 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 SWWC 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 resident district and SWWC.

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 resident district board and served upon the parties within two (2) days after the close of the hearing.

17. The resident district 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 resident district 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 resident district 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 resident district board may appeal the decision to the Commissioner within twenty-one (21) calendar days of resident district 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 resident 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 SWWC 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, SWWC 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 SWWC.

XIII. ADMISSION OR READMISSION PLAN

SWWC/resident district 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, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

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, Building Administrator or other SWWC official may provide additional notification as deemed appropriate.

XV. STUDENT DISCIPLINE RECORDS

The policy of the resident 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 SWWC/resident district policies and federal and state law, including the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 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 SWWC 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 SWWC 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 resident district shall continue to provide special education and related services during the period of expulsion or exclusion.

XVII. OPEN ENROLLED STUDENTS

The resident 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 resident 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

SWWC 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 SWWC school building office.

XX. REVIEW OF POLICY

The Building Administrator 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 executive director for consideration by the SWWC 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 Preassessment 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.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.60(Definitions)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
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:

SWWC Policy 413 (Harassment and Violence)
SWWC Policy 419 (Smoke and Tobacco-Free Environment)
SWWC Policy 501 (School Weapons)
SWWC Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person
SWWC Policy 503 (Student Attendance)
SWWC Policy 505 (Distribution of Non-school-Sponsored Materials on School Premises by Students and Employees)
SWWC Policy 514 (Bullying Prohibition Policy)
SWWC Policy 524 (Internet Acceptable use and Safety Policy)
SWWC Policy 525 (Violence Prevention)
SWWC Policy 526 (Hazing Prohibition)
SWWC Policy 527 (Student Use and Parking of Motor Vehicles, patrols, Inspections, and Searches
SWWC Policy 610 (Field Trips)
SWWC Policy 709 (Student Transportation Safety Policy)
SWWC Policy 711 (Video Recording on School Buses)
SWWC Policy 712 (Video Surveillance Other Than on Buses)

(Sample Form)

NOTICE OF SUSPENSION

(Date)

(Name of Parent or Guardian)
(Address)
(City, State, Zip)

Dear (Parent or Guardian)

(Name of Student) has been suspended from (name of school) for (number of days) commencing on (date).

The grounds for suspension are:

Briefly, the facts that have been determined are:

The testimony received was:

An administrative conference to determine the above was conducted before

_____, at _____ on _____
(Name of Administrator) (Time) (Date)

pursuant to Minnesota Statutes sections 121A.40-121A.56, a copy of which is enclosed.

The plan of readmission is:

Alternative educational services in the form of homework will be available to be picked up at the school after [date].

While suspended, the student may not come on any school campus except with you for the purpose of discussing conduct.

If you have any questions, please call.

Sincerely,

_____
Site Administrator

Enc: Minnesota Statutes sections 121A.40-121A.56

507 CORPORAL PUNISHMENT AND PRONE RESTRAINT

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

No employee or agent of the school district shall inflict corporal punishment or use prone restraint upon a student except as provided below.

III. DEFINITIONS

1. “Corporal punishment" means conduct involving:

    a. hitting or spanking a person with or without an object; or

    b. unreasonable physical force that causes bodily harm or substantial emotional harm.

2. “Employee or agent of the district” does not include a school resource officer as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c).

3. “Prone restraint” means placing a child in a face-down position.

IV. PROHIBITIONS

1. An employee or agent of SWWC shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.

2. An employee or agent of the school district shall not use prone restraint.

3. An employee or agent of a district shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.

4. Conduct that violates this Article is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statutes, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in this Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582.

V. REASONABLE FORCE

1. Reasonable force may be used upon or toward the person of another

without the other's consent when the following circumstance exists, or the actor reasonably believes it to exist:

a. when used by a teacher, school principal, school employee, school bus driver, or other agent of the school in the exercise of lawful authority, to restrain a child or pupil to prevent bodily harm or death to the child, pupil, or another.

2. Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists, or the actor reasonably believes it to exist:

a. when used by a teacher, school principal, school employee, school bus driver, other agent of the district, or other member of the instructional, support, or supervisory staff of a public school upon or toward a child or pupil when necessary to restrain the child or pupil to prevent bodily harm or death to the child, pupil. Nothing in Minnesota Statutes, section 609.379 limits any other authorization to use reasonable force including but not limited to authorizations under Minnesota Statutes, section 121A.582, subdivision 1, and section 609.06, subdivision 1.

3. A teacher, school principal, and other school staff may use reasonable force under the conditions set forth in Policy 506 (Student Discipline).

VI. VIOLATION

Employees who violate the provisions of this policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and SWWC policies. Violation of this policy may also result in civil or criminal liability for the employee.

Legal References: Minn. Stat. § 121A.58 (Corporal Punishment)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 123B.25 (Legal Actions Against Districts and Teachers)
Minn. Stat. § 125A.0941 (Definitions)
Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
Minn. Stat. § 609.06(Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)
Minn. Stat. § 645,241 (Punishment for Prohibited Acts)

Cross References: SWWC Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
SWWC Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
SWWC Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults
SWWC Policy 506 (Student Discipline)

508 EXTENDED SCHOOL YEAR FOR CERTAIN STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS

I. PURPOSE

The purpose of this policy is to ensure that the SWWC complies with the overall requirements of law as mandated for certain students subject to individualized education programs (IEPs) when necessary to provide a free appropriate public education (FAPE).

II. GENERAL STATEMENT OF POLICY

A. Extended School Year Services Must Be Available to Provide a FAPE. The SWWC shall provide extended school year (ESY) services to a student who is the subject of an IEP if the student's IEP team determines the services are necessary during a break in instruction in order to provide a FAPE.

B. Extended School Year Determination. At least annually, the IEP team must determine that a student is in need of ESY services if the student meets any of the following conditions:

1. There will be significant regression of a skill or acquired knowledge from the student's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate; OR

2. Services are necessary for the student to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the student's age and level of development, and the timeliness for teaching the skill; OR

3. The IEP team otherwise determines, given the student's unique needs, that ESY services are necessary to ensure the pupil receives a FAPE.

C. Required Factors Schools Must Consider in Making ESY Determinations. The IEP team must decide ESY eligibility using information including:

1. Prior observations of the student's regression and recoupment over the summer;

2. Observations of the student's tendency to regress over extended breaks in instruction during the school year; and

3. Experience with other students with similar instructional needs.

D. Additional Factors to Consider, Where Relevant. In making its determination of ESY needs, the following factors must be considered, where relevant:

1. The student's progress and maintenance of skills during the regular school year.

2. The student's degree of impairment.

3. The student's rate of progress.

4. The student's behavioral or physical problems.

5. The availability of alternative resources.

6. The student's ability and need to interact with nondisabled peers.

7. The areas of the student's curriculum which need continuous attention.

8. The student's vocational needs.

E. No Unilateral Decisions. In the course of providing ESY services to children with disabilities, the SWWC may not unilaterally limit the type, amount, or duration of those services.

F. Services to Nonresident Students Temporarily Placed in SWWC. SWWC may provide ESY services to nonresident children with disabilities temporarily placed in the SWWC in accordance with applicable state law.

Legal References: Minn. Stat. § 125A.14 (Extended School Year)
Minn. Rules Part 3525.0755
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
34 C.F.R. Part 300 (IDEA Regulations)

Cross References:

511 STUDENT FUNDRAISING

I. PURPOSE

The purpose of this policy is to address student fundraising efforts.

II. GENERAL STATEMENT OF POLICY

The SWWC board recognizes a desire and a need by some student organizations for fundraising. The SWWC board also recognizes a need for some constraint to prevent fundraising activities from becoming too numerous and overly demanding on employees, students and the general public.

III. RESPONSIBILITY

A. The building administrators shall be responsible for developing recommendations to the Executive Director that will result in a level of activity deemed acceptable by employees, parents and students. Fundraising must be conducted in a manner that will not result in embarrassment on the part of individual students, employees, or the SWWC.

B. All fundraising activities must be approved in advance by the administration. Participation in nonapproved activities shall be considered a violation of SWWC policy.

C. The Executive Director shall be responsible for providing coordination of student fundraising throughout the SWWC as deemed appropriate.

D. SWWC expects all students who participate in approved fundraising activities to represent the school, the student organization and the community in a responsible manner. All rules pertaining to student conduct and student discipline extend to student fundraising activities.

E. SWWC expects all employees who plan, supervise, coordinate, or participate in student fundraising activities to act in the best interests of the students and to represent the school, the student organization, and the community in a responsible manner.

Legal References: Minn. Stat. § 120A.20 (Age Limitations; Pupils)
Minn. Stat. § 123B.09, Subd. 8 (Duties)
Minn. Stat. § 123B.36 (Authorized Fees)

Cross References: SWWC Policy 506 (Student Discipline)
MSBA/MASA Model Policy 713 (Student Activity Accounting)

512 SWWC-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

I. PURPOSE

The purpose of this policy is to protect students' rights to free speech in production of SWWC-sponsored and activities while at the same time balancing the SWWC's role in supervising student publications and the operation of public schools.

II. GENERAL STATEMENT OF POLICY

A. The SWWC may exercise editorial control over the style and content of student expression in SWWC-sponsored publications and activities.

B. Expressions and representations made by students in SWWC-sponsored publications and activities are not expressions of official SWWC policy. Faculty advisors shall supervise student writers to ensure compliance with the law and SWWC policies.

C. Students who believe their right to free expression has been unreasonably restricted in a SWWC-sponsored media activity may seek review of the decision by the building administrator. The administrator shall issue a decision no later than three (3) school days after review is requested.

1. Students producing SWWC-sponsored media s and activities shall be under the supervision of a faculty advisor and the SWWC administrator. Official publications and activities shall be subject to the guidelines set forth below.

2. SWWC-sponsored media may be distributed at reasonable times and locations.

III. DEFINITIONS

A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting, or displaying material, or placing materials in internal staff or student mailboxes.

B. "Material and substantial disruption" of a normal school activity means:

1. Where the normal school activity is an educational program of the SWWC for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.

2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school

boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the SWWC, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

C. "Minor" means any person under the age of eighteen (18).

D. "Obscene to minors" means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;

2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

E. "SWWC activities" means any activity of students sponsored by the SWWC including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.

F. "Official SWWC-sponsored media" means SWWC newspapers, yearbooks or material produced in communications, journalism or other writing classes as a part of the curriculum.

IV. GUIDELINES

A. Except as provided in paragraph B below, a student journalist has the right to exercise freedom of speech and freedom of the press in SWWC-sponsored media regardless of whether the SWWC-sponsored media receives financial support from the school or district, uses school equipment or facilities in its production, or is produced as part of a class or course in which the student journalist is enrolled. Freedom of speech includes freedom to express political viewpoints. Consistent with paragraph B below, a student journalist has the right to determine the news, opinion, feature, and advertising content of SWWC-sponsored media. The school district must not discipline a student journalist for exercising rights or freedoms under this paragraph or the First Amendment of the United States Constitution.

B. Student expression in SWWC-sponsored media, a yearbook, or SWWC-sponsored activity is prohibited when the material:

1. is obscene to minors;

2. is defamatory;

3. is profane, harassing, threatening, or intimidating;

4. constitutes an unwarranted invasion of privacy;

5. violates federal or state law;

6. causes a material and substantial disruption of school activities;

7. is directed to inciting or producing imminent lawless action on school premises or the violation of lawful school policies or rules, including a policy adopted in accordance with Minnesota Statutes, section 121A.03 or 121A.031;

8. advertises or promotes any product or service not permitted for minors by law;

9. expresses or advocates sexual, racial, or religious harassment or violence or prejudice; or

10. is distributed or displayed in violation of time, place, and manner regulations.

C. SWWC must not retaliate or take adverse employment action against a student media adviser for supporting a student journalist exercising rights or freedoms under paragraph A above or the First Amendment of the United States Constitution.

D. Notwithstanding the rights or freedoms of this Article or the First Amendment of the United States Constitution, nothing in this Article inhibits a student media adviser from teaching professional standards of English and journalism to student journalists.

These professional standards may include, but are not limited to, the following:

1. assuring that participants learn whatever lessons the activity is designed to teach;

2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;

3. assuring that the views of the individual speaker are not erroneously attributed to the school;

4. assuring that the school is not associated with any position other than neutrality on matters of political controversy;

5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;

6. assuring that the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

E. Time, Place, and Manner of Distribution

Students shall be permitted to distribute written materials at school as follows:

1. Time

Distribution shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entry ways, and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

3. Manner

No one shall induce or coerce a student or staff member to accept a student publication.

V. POSTING

SWWC must adopt a student journalist policy consistent with Minnesota Statutes, section 121A.80 and post it on the district website.

Legal References: U. S. Const., amend. I
Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)
Bystrom v. Fridley High School, I.S.D. No. 14, 822 F.2d 747 (8th Cir. 1987)
Morse v. Frederick, 551 U.S. 393, 127 S.Ct. 2618, 168 L.Ed.2d 290 (2007)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.80 (Student Journalism; Student Expression)

Cross References: MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Non-school Persons)
SWWC Policy 505 (Distribution of NonSchool-sponsored Materials on School Premises by Students and Employees)
SWWC Policy 506 (Student Discipline)

513 STUDENT PROMOTION, RETENTION, AND PROGRAM DESIGN

I. PURPOSE

The purpose of this policy is to provide guidance to professional staff, parents and students regarding student promotion, retention and program design.

II. GENERAL STATEMENT OF POLICY

The SWWC expects all students to achieve at an acceptable level of proficiency. Parental assistance, tutorial and remedial programs, counseling and other appropriate services shall be coordinated and utilized to the greatest extent possible to help students succeed in school.

A. Promotion

Students who achieve at levels deemed acceptable by local and state standards shall be promoted to the next grade level at the completion of each school year.

B. Retention

Retention of a student may be considered when professional staff and parents feel that it is in the best interest of the student. Physical development, maturity, and emotional factors shall be considered as well as scholastic achievement. The Executive Director's decision shall be final.

C. Program Design

1. The Executive Director, with participation of the professional staff and parents, shall develop and implement programs to challenge students that are consistent with the needs of students at every level. A process to assess and evaluate for program assignment shall be developed in coordination with such programs. Opportunities for special programs and placement outside of the school district shall also be developed as additional options. All programs will be aligned with creating comprehensive achievement and civic readiness.

2. SWWC may identify students, locally develop programs and services addressing instructional and affective needs, provide staff development, and evaluate programs to provide gifted and talented students with challenging and appropriate educational programs and services.

3. SWWC must adopt guidelines for assessing and identifying students for participation in gifted and talented programs and services consistent with Minnesota Statutes, section 120B.11. The guidelines should include the use of:

a. multiple objective criteria; and

b. assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures should be sensitive to under-represented groups, including, but not limited to, low-income, minority, twice-exceptional, and English learners.

4. SWWC must adopt procedures consistent with Minnesota Statutes, section 124D.02 for early admission to kindergarten or first grade of gifted or talented learners consistent with Minnesota Statutes, section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.

Legal References: Minn. Stat. § 120B.15 (Gifted and Talented Students Program)
Minn. Stat. § 123B.143, Subd. 1 (Superintendents)

Cross References: MSBA/MASA Model Policy 613 (Graduation Requirements)
SWWC Policy 614 (School District Testing Plan and Procedure)
SWWC Policy 615 (Testing Accommodations, Modifications, and Exemptions for IEPs, Section 504 Plans, and LEP Students)
MSBA/MASA Model Policy 617 (School District Ensurance of Preparatory and High School Standards)
MSBA/MASA Model Policy 618 (Assessment of Student Achievement)
MSBA/MASA Model Policy 620 (Credit for Learning)

514 BULLYING PROHIBITION POLICY

I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The resident district and/or SWWC 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 resident district and/or SWWC and the rights and welfare of its students and is within the control of the resident district and/or SWWC in its normal operations, the resident's district and/or SWWC 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 resident district and/or SWWC 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 the school premises, at the school functions or activities, on the 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

2. 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 cocurricular 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 SWWC or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also

applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. 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 SWWC 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 resident district and/or SWWC 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 policies and procedures, including the SWWC's discipline policy. The resident district and/or SWWC 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. SWWC 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 SWWC, 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 SWWC property and events.

J. The resident district and/or SWWC will act to investigate all complaints of bullying reported to SWWC and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of SWWC 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 SWWC 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 SWWC premises, on SWWC property, at SWWC functions or activities, on SWWC transportation, or on SWWC computers, networks, forums, and mailing lists, or off SWWC 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 property, at school functions or activities, or on school transportation" means all school buildings, leased or owned by resident district or SWWC, SWWC grounds, and SWWC property or property immediately adjacent to SWWC grounds, SWWC bus stops, SWWC buses, SWWC vehicles, SWWC contracted vehicles, or any other vehicles approved for SWWC purposes, the area of entrance or departure from SWWC grounds, premises, or events, and all SWWC-related functions, SWWC-sponsored activities, events, or trips. SWWC property also may mean a student's walking route to or from SWWC for purposes of attending SWWC or SWWC-related functions, activities, or events. While prohibiting bullying at these locations and events, the resident district and/or SWWC 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 resident district and/or SWWC official

designated by this policy. A person may report bullying anonymously. However, the resident district and/or SWWC may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. The resident district and/or SWWC encourages the reporting party or complainant to use the report form available from the Building Administrator or building supervisor of each building or available from the resident district and/or SWWC office, but oral reports shall be considered complaints as well.

C. The Building Administrator, the Administrator'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 resident district and/or SWWC human rights officer or the Executive Director. If the complaint involves the building report taker, the complaint shall be made or filed directly with the resident district and/or SWWC human rights officer or the Executive Director 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 SWWC 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, Building Administrator, volunteer, contractor, or other employee of resident district and/or SWWC 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. Resident district personnel and/or SWWC 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, or work assignments, or educational or work environment.

G. The resident district and/or SWWC 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 resident district's and/or SWWC's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SWWC ACTION

A. Within three school days of the receipt of a complaint or report of bullying or other prohibited conduct, the resident district and/or SWWC shall undertake or authorize an investigation by resident district and/or SWWC officials or a third party designated by the resident district and/or SWWC.

B. The building report taker or other appropriate resident district and/or SWWC 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 resident district and/or SWWC 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. Resident district and/or SWWC 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 and other applicable SWWC policies; and applicable regulations.

E. The resident district and/or SWWC 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 SWWC. 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 SWWC 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 resident district and/or SWWC will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the resident district and/or SWWC who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying 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, SWWC must discuss this policy with students, SWWC personnel and volunteers and provide appropriate training for all SWWC personnel to prevent, identify, and responds to prohibited conduct. The SWWC must establish a training cycle for SWWC 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 SWWC. The SWWC or a Site 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 SWWC rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

B. SWWC shall require ongoing professional development, consistent with Minnesota Statutes section 122A.60, to build the skills of all SWWC 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. SWWC annually will provide education and information to students

regarding bullying, including information regarding this SWWC policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

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

G. SWWC 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 SWWC may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

VIII. NOTICE

A. SWWC 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 in summary form.

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

E. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy 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 language appearing on the SWWC's or a school's website, consistent with SWWC's policies and practices.

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

IX. POLICY REVIEW

To the extent practicable, the SWWC board shall, on a cycle consistent with other SWWC policies, review and revise this policy. The policy shall be made consistent with Minnesota Statutes sections 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy Bullying)
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 Schools)
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:

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

SOUTHWEST WEST CENTRAL SERVICE COOPERATIVE

SWWC

Education & Administrative Resources

BULLYING PROHIBITION REPORT FORM

General Statement of Policy Prohibiting Bullying

SWWC maintains a firm policy prohibiting bullying conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students. Bullying or cyberbullying by a student against another student is strictly prohibited and will not be tolerated.

Reporter: _____

Home address: _____
Work address: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____

Date of alleged incident(s) _____

Name of student(s) to whom bullying was directed _____
Name of student(s) who engaged in bullying _____
Where did the alleged incident(s) occur? _____
List any witnesses that were present _____

Did a physical injury result from this incident? (please check the applicable answer below)

____ No ____Yes, but did not require medical attention **OR** ___Yes, required medical attention

Injury and/or medical attention required:

_____

Were there any absences as a result of this incident? _____Yes _____No

If yes, how many days was the student absent?

_____

Describe what happened as clearly as possible, including details such as what was said and who made the statements, whether anyone made a threat or demand for something and what threat or demand was made, whether physical contact happened (i.e.: hitting, punching, throwing an item, etc.), whether anyone was injured or property was damaged, the ages or grades of the students, if known, etc. (Attach additional pages if necessary)

_____

_____

_____

_____

_____

Circle each that apply if the bullying was directed at another student due to the student's actual or perceived: race \ ethnicity \ color \ creed \ religion \national origin \ immigration status \ sex \ marital status \ familial status \ socioeconomic status \ physical appearance \ sexual orientation \ gender identity and expression \ academic status related to student performance \ disability \ status with regard to public assistance\ age .

Was the bullying conduct in retaliation for a student's conduct and if yes, please describe?

_____
_____
_____
_____

Did the bullying occur through an electronic communication (i..e.: Facebook, X, email, messaging applications, gaming platforms, or other electronic communications) and if so, identify the form of communication? (If available, attach a copy of the communication.)

_____
_____
_____

Is there any additional information you would like to provide?

_____
_____
_____

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

_____ Dated: _____
Complainant Signature

_____ Dated: _____
Complaint Received By

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by SWWC, pursuant to the requirements of 20 United States Code section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, and Minnesota Rules parts 1205.0100-1205.2000.

III. DEFINITIONS

A. Authorized Representative

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

B. Biometric Record

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

C. Dates of Attendance

Date of attendance, as referred to in Directory Information, means the period of time during which a student attends or attended a school or schools in SWWC, including attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program.

The term does not include specific daily records of a student's attendance at a school or schools in SWWC.

D. Directory Information

Under federal law, “directory information” means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student’s name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities; and the most recent educational agency of institution attended. It also includes the name, address, and telephone number of the student’s parent(s).. Directory information does not include:

1. A student’s social security number;

2. A student’s identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student’s identity such as a personal identification number (PIN), password, or other factor known or possessed only the authorized user;

3. A student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student’s identify, such as a PIN, password, or other factor known or possessed only by the student;

4. Personally identifiable data which references religion, race, color, social position, or nationality; or

5. Data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student’s parent or guardian.

Under Minnesota law, SWWC may not designate a student’s home address, telephone number, email address, or other person contact information as “directory information.”

E. Education Records

1. <u>What constitutes “education records”.</u> Education records mean those records that are:

   (1) directly related to a student; and

   (2) maintained by SWWC or by a party acting for SWWC.

2. <u>What does not constitute education records</u>. The term “education

records" does not include:

a. Records of instructional personnel that are:

(1) kept in the sole possession of the maker of the record;

(2) used only as a personal memory aid;

(3) not accessible or revealed to any other individual except a substitute teacher; and

(4) destroyed at the end of the school year.

b. Records of a law enforcement unit of SWWC, provided educational records maintained by SWWC are not disclosed to the unit, and the law enforcement records are:

(1) Maintained separately from education records;

(2) Maintained solely for law enforcement purposes; and

(3) Disclosed only to law enforcement officials of the same jurisdiction.

c. Records relating to an individual, including a student, who is employed by SWWC which:

(1) Are made and maintained in the normal course of business;

(2) Relate exclusively to the individual in that individual's capacity as an employee; and

(3) Are not available for use for any other purpose.

However, records relating to an individual in attendance at SWWC who is employed as a result of his or her status as a student are education records.

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

(1) made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;

(2) Made, maintained, or used only in connection with

the provision of treatment to the student; and

(3) Disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within SWWC.

e. Records created or received by SWWC after an individual is no longer a student at SWWC and that are not directly related to the individual's attendance as a student.

f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

"Education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes section 13.05 or a court order.

G. Eligible Student

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

H. Juvenile Justice System

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

I. Legitimate Educational Interest

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

1. Perform an administrative task required in the school or

employee's contract or position description approved by the school board;

2. Perform a supervisory or instructional task directly related to the student's education;

3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid; or

4. Perform a task directly related to responding to a request for data.

J. Parent

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

K. Personally Identifiable

"Personally identifiable" means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who IDS 991 reasonably believes knows the identity of the student to whom the education record relates..

L. Record

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

M. Responsible Authority

"Responsible authority" means Cliff Carmody, Executive Director.

N. Student

"Student" includes any individual who is or has been in attendance, enrolled through tuition agreement at SWWC and regarding whom SWWC and resident district maintains education records. Student also

includes individuals who receive shared time educational services from SWWC.

O. School Official

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

P. Summary Data

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

Q. Other Terms and Phrases

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

IV. GENERAL CLASSIFICATION

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

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student's education records;

2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to

the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated there under;

4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by SWWC to comply with the federal law and the regulations promulgated there under;

6. The right to be informed about rights under the federal law; and

7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

B. Eligible Students

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

C. Students with a Disability

SWWC shall follow 34 Code of Federal Regulations sections 300.610-300.617 with regard to the privacy, notice, access, record keeping and accuracy of information related to students with a disability.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

1. SWWC and resident district shall obtain a signed and dated written informed consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.

2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:

a. a specification of the records to be disclosed;

b. the purpose or purposes of the disclosure;

c. the party or class of parties to whom the disclosure may be made;

d. the consequences of giving informed consent; and

e. if appropriate, a termination date for the consent.

3. When a disclosure is made under this subdivision:

a. if the parent or eligible student so requests, SWWC shall provide him or her with a copy of the records disclosed; and

b. if the parent of a student who is not an eligible student so requests, SWWC shall provide the student with a copy of the records disclosed.

4. A signed and dated written consent may include a record and signature in electronic form that:

a. identifies and authenticates a particular person as the sources of the electronic consent; and

b. indicates such person's approval of the information contained in the electronic consent.

5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:

a. in plain language;

b. dated;

c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;

d. specific as to the nature of the information the subject is authorizing to be disclosed;

e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;

f. specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e above, both at the time of the disclosure and at any time in the future; and

g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the

case of authorizations given in connection with applications for (i) life insurance or non-cancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minnesota Statutes chapter 256B or Minnesota Care under Minnesota Statutes chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school district that are subject to third party reimbursement.

6. Eligible Student Consent

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

B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within SWWC whom SWWC determines have a legitimate educational interest in such records;

2. To a contractor, consultant, volunteer, or other party to whom SWWC has outsourced institutional services or functions provided that the outside party:

   a. Performs an institutional service or function for which SWWC would otherwise use employees.

   b. Is under the direct control of SWWC with respect to the use and maintenance of education records; and

   c. Will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;

3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (See Section XIX.), suspension and expulsion information pursuant to section

7917 of the federal Every Student Succeeds Act, 20 United States Code section 7917,and, if applicable, data regarding a student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes section 260B.171, unless the data are required to be destroyed under Minnesota Statutes section 120A.22, subdivision 7(c) or section 121A.75. On request, SWWC will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;

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

   a. determine eligibility for the aid;

   b. determine the amount of the aid;

   c. determine conditions for the aid; or

   d. enforce the terms and conditions of the aid.

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

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:

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

   b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to SWWC that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of

the student. At a minimum, SWWC shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers;

7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and SWWC enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term "organizations" includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of SWWC to whom information is disclosed violates this provision, SWWC may not allow that third party access to personally identifiable information from education records for at least five years.

8. To accrediting organizations in order to carry out their accrediting functions;

9. To parents of a student eighteen years of age or older if the student is a dependent of the parents for income tax purposes;

10. To comply with a judicial order or lawfully issued subpoena, provided, however, that SWWC makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in

compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 United States Code section 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If SWWC initiates legal action against a parent or student it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for SWWC to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against SWWC, SWWC may disclose to the court, without a court order or subpoena, the student's education records that are relevant for SWWC to defend itself.

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In making a determination whether to disclose information under this section, SWWC may take into account the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within SWWC and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;

12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

13. Information SWWC has designated as "directory information" pursuant to Section VII of this policy;

14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI of this policy;

15. To the parent of a student who is not an eligible student or to the student himself or herself;

16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

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

18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:

    a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;

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

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the

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

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

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

21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements; or

22. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except in an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

23. When requested, educational agencies or institutions may share personal student contact information and directory information for students served in special education with postsecondary transition planning and services under Minnesota Statutes, section 125A.08, paragraph (b), clause (1), whether public or private, with the Minnesota Department of Employment and Economic Development, as required for coordination of services to students with disabilities under Minnesota Statutes, sections 125A.08, paragraph (b), clause (1); 125A.023; and 125A.027.

C. Nonpublic School Students

The school district may disclose personally identifiable information from

the education records of a nonpublic school student, other than a student who receives shared time educational services, without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. Pursuant to a valid court order;

2. Pursuant to a statute specifically authorizing access to the private data; or

3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

VII. RELEASE OF DIRECTORY INFORMATION

A. Educational Data

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:

   a. Minnesota Statutes, section 13.32, subdivision 5; and

   b. 20 United States Code, section 1232g, and 34 Code of Federal Regulations, section 99.37, which were in effect on January 3, 2012.

2. The school district may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under this section.

3. When requested, the school district must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

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

C. Present Students and Parents

SWWC may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure SWWC shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:

   a. the types of personally identifiable information regarding students and/or parents that SWWC has designated as directory information;

   b. the parent's or eligible student's right to refuse to let SWWC designate any or all of those types of information about the student and/or the parent as directory information; and

   c. the period of time in which a parent or eligible student has to notify SWWC in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.

2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform SWWC, in writing, that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in the Section VI of this policy.

3. A parent or eligible student may not opt out of the directory information disclosures to:

   a. Prevent SWWC from disclosing or requiring the student to disclose the student's name, ID, or SWWC e-mail address in a class in which the student is enrolled; or

   b. Prevent IDS 991 from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by SWWC as directory information.

4. SWWC shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

1. Name of the student and/or parent, as appropriate;

2. Home address;

3. School presently attended by student;

4. Parent's legal relationship to student, if applicable; and

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

E. Duration

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

For the purposes herein, education records are records which are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. SWWC may not disclose private records or their contents except as summary data, or except as provided in Section VI of this policy, without the prior written consent of the parent or the eligible student. SWWC will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other party to whom personally identifiable information from education records is disclosed.

B. Private Records Not Accessible to Parent

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

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

shall consider the following factors:

a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;

b. whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;

c. whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;

d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and

e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

D. Military-Connected Youth Identifier

When SWWC updates its enrollment forms in the ordinary course of business, SWWC must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

IX. DISCLOSURE OF CONFIDENTIAL RECORDS

A. Confidential Records

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

B. Reports under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes Chapter 260E, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child

shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by SWWC. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minnesota Statute Chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes Chapter 260E, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

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

1. SWWC may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency or the public if SWWC determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.

2. A complainant has access to a statement he or she provided to SWWC.

3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other SWWC student, employees, and/or attorney data as defined in Minnesota Statutes section 13.393.

4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:

    a. a decision by SWWC, or by the chief attorney for SWWC, not to pursue the civil legal action. However, such investigation may subsequently become active if SWWC or its attorney decides to renew the civil legal action;

    b. the expiration of the time to file a complaint under the

statute of limitations or agreement applicable to the civil legal action; or

c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

5. A "pending civil legal action" for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

D. Chemical Abuse Records
To the extent SWWC maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

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

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

XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

A. SWWC will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by SWWC, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data to military recruiters pursuant to Paragraph C. below.

B. Data released to military recruiting officers under this provision:

1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;

2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and

3. copying fees shall not be imposed.

C. A parent or eligible student has the right to refuse the release of the name, address, electronic mail address (which shall be the electronic mail addresses provided by SWWC, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority, principal or site coordinator, in writing, by September 15th each year. The written request must include the following information:

1. Name of student and parent, as appropriate;

2. Home address;

3. Student's grade level;

4. School presently attended by student;

5. Parent's legal relationship to student, if applicable;

6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and

7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.

D. Annually, SWWC will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.

E. A parent or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect SWWC's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in Section VII of this policy also must be followed. Accordingly, to the extent SWWC has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.

XII. LIMITS ON REDISCLOSURE

A. Redisclosure

Consistent with the requirements herein, SWWC may only disclose personally identifiable information from the education records of a student

on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not prevent SWWC from disclosing personally identifiable information under Section VI of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of SWWC provided:

a. The disclosures meet the requirements of Section VI of this policy; and

b. SWWC has complied with the record-keeping requirements of Section XIII of this policy.

2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student, or to parents of dependent students or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code section 14071. However, SWWC must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

C. Classification of Disclosed Data

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

D. Notification

SWWC shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII of this policy, or disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of SWWC improperly re-discloses personally identifiable information from education records or fails to provide notification required under this section of this policy, SWWC may not allow that third party access to personally identifiable information from education records for at least five years.

XIII. RESPONSIBLE AUTHORITY, RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

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

1. A description of records maintained;

2. Titles and addresses of person(s) responsible for the security of student records;

3. Location of student records, by category, in the buildings;

4. Means of securing student records; and

5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of SWWC. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. The principal shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:

   a. the parties who have requested or received personally identifiable information from the education records of the student; and

   b. the legitimate interests these parties had in requesting or obtaining the information; and

c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.

2. In the event SWWC discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of this policy, the record of disclosure required under this section shall also include:

   a. the names of the additional parties to which the receiving party may disclose the information on behalf of SWWC; and

   b. the legitimate interests under Section VI of this policy which each of the additional parties has in requesting or obtaining the information; and

   c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations section 99.32 and to whom SWWC disclosed information from an education record. SWWC shall request a copy of the authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of request for disclosure.

3. Section XIII.E.1. does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee no lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. United States Code section 2332b(g)(5)(B) o an act of domestic or international terrorism.

4. The record of requests of disclosures may be inspected by:

   a. the parent of the student or the eligible student;

   b. the school official or his or her assistants who are responsible for the custody of the records; and

c. the parties authorized by law to audit the record-keeping procedures of SWWC.

5. SWWC shall record the following information when it disclosed personally identifiable information from education records under the health or safety emergency exception:

a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and

b. the parties to whom SWWC disclosed the information.

6. The record of requests and disclosures shall be maintained with the education records of the student as long as SWWC maintains the student's education records.

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

SWWC shall permit the parent of a student, an eligible student or the parent of an eligible student who is also a dependent student who is or has been in attendance in SWWC to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in Section VIII of this policy.

B. Response to Request for Access

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

C. Right to Inspect and Review

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

1. The right to a response from SWWC to reasonable requests for explanations and interpretations of records; and

2. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, SWWC shall provide the parent or eligible student with a copy of the records requested, or make other arrangements for the parent or eligible student to inspect and review the requested records.

3. Nothing in this policy shall be construed as limiting the frequency of inspection of the educational records of a student with a

disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

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

E. Collection of Student Records

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

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

1. SWWC shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, SWWC shall consider the following:

    a. the cost of materials, including paper, used to provide the copies;

    b. the cost of the labor required to prepare the copies;

    c. any schedule of standard copying charges established by SWWC in its normal course of operations;

    d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and

    e. mailing costs.

2. The cost of providing copies shall be borne by the parent or eligible student.

3. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent the parent or eligible student from exercising their right to inspect or review the student's education records.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

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

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes SWWC to make. The request shall be signed and dated by the requestor.

2. SWWC shall decide whether to amend the education records of the student in accordance with the request within 30 days after receiving the request.

3. If SWWC decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the

parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

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

1. If, as a result of the hearing, SWWC decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.

2. If, as a result of the hearing, SWWC decides that the information

is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of SWWC, or both.

3. Any statement placed in the education records of the student under Subdivision B. of this section shall:

   a. be maintained by SWWC as part of the education records of the student so long as the record or contested portion thereof is maintained by SWWC; and

   b. if the education records of the student or the contested portion thereof is disclosed by SWWC to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

1. The hearing shall be held within a reasonable period of time after SWWC has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.

2. The hearing may be conducted by any individual, including an official of SWWC who does not have a direct interest in the outcome of the hearing. The SC board and resident district board attorneys shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.

3. The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.

4. SWWC shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minnesota Statutes Chapter 14 relating to contested cases.

XVI. PROBLEMS ACCESSING DATA

A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in

obtaining access to data or other data practices problems.

B. Data practices compliance official means Cliff Carmody, Executive Director.

C. Any request by an individual with a disability for reasonable modifications of SWWC's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated there under, shall be submitted in writing to the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated there under has occurred.

XVIII. WAIVER

A parent or eligible student may waive any of his or her rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent or eligible student. SWWC may not require such a waiver.

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

SWWC shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

1. That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;

2. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;

3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and

state law and the regulations promulgated there under authorize disclosure without consent;

4. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by SWWC to comply with the requirements of FERPA, and the rules promulgated there under;

5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom SWWC has determined to have legitimate educational interests; and

6. That SWWC forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Child Succeeds Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

SWWC shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled
SWWC shall provide for the need to effectively notify parents or eligible students identified as disabled.

XX. DESTRUCTION AND RETENTION OF RECORDS

Destruction and retention of records by SWWC shall be controlled by state and federal law.

XXI. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students at the SWWC school location.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.393 (Attorneys)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)
Minn. Stat. Ch. 256L (MinnesotaCare)

Minn. Stat. § 260B.171, Subd. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. Ch. 260E (Reporting Maltreatment of Minors)
Minn. Stat. § 363A.42 (Public Records: Accessibility)
Minn. Stat. § 480.40 (Personal Information, Dissemination)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
10 U.S.C. 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information
18 U.S.C. 2331 (Definitions)
18 U.S.C. 2332b (Acts of Terrorism Transcending National Boundaries)
20 U.S.C. Sec. 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. Sec. 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
25 U.S.C. § 5304 (Definitions – Tribal Organization)
26 U.S.C. Secs. 151 and 152 (Internal Revenue Code)
42 U.S.C. § 1711 et seq. (Child Nutrition Act)
42 U.S.C. § 1751 et seq. (Richard B. Russell National School Lunch Act)
34 C.F.R. Secs. 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. 300.610-300.627 (Confidentiality of Drug Abuse Patient Records)
42 C.F.R. 2.1 et seq. (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273 309 (2002)
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

Cross References:

SWWC Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
SWWC Policy 417 (Chemical Use and Abuse)
SWWC Policy 506 (Student Discipline)
SWWC Policy 519 (Interviews of Students by Outside Agencies)
SWWC Policy 520 (Student Surveys)
SWWC Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)
MSBA School Law Bulletin “I” (School Records – Privacy – Access to Data)

PUBLIC NOTICE

Independent School District No. 991 gives notice to parents of students currently in attendance in the District, and eligible students currently in attendance in the District, of their rights regarding pupil records.

1. Parents and eligible students are hereby informed that they have the following rights:

    a. That a parent or eligible student has a right to inspect and review the student's education records within 45 days after the day the request for access is received by the school district. A parent or eligible student should submit to the school district a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect. The parent or eligible student will be notified of the time and place where the records may be inspected;

    b. That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. A parent or eligible student may ask the school district to amend a record that they believe is inaccurate or misleading. The request shall be in writing, identify the item the parent or eligible student believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the parent or eligible student wishes the school district to make. The request shall be signed by the parent or eligible student. If the school district decides not to amend the record as requested by the parent or eligible student, the school district will notify the parent or eligible student of the decision and advise him or her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;

    c. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosures without consent;

    d. That the school district may disclose education records to other school officials within the school district if the school district has determined they have legitimate educational interests. For purposes of such disclosure, a "school official" is a person employed by the school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit

personnel) or other employee; a person serving on the school board; a person or company with whom the school district has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist, public information officer or data practices compliance official); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or any individual assisting a school official in the performance of his or her tasks. A school official has a "legitimate educational interest" if the individual needs to review an education record in order to fulfill his or her professional responsibility and includes, but is not limited to, an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student and student health and welfare and the ability to respond to a request for educational data;

e. That the school district forwards education records on request to a school or post-secondary educational institution in which a student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment, including information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information pursuant to section 4155 of the federal No Child Left Behind Act*:]* [and data regarding a student's history of violent behavior,] and any disposition order which adjudicates the student as delinquent for committing an illegal act on school district property and certain other illegal acts;

f. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school district to comply with the requirements of 20 U.S.C. § 1232g, and the rules promulgated thereunder. The name and address of the office that administers the Family Education Rights and Privacy Act is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

[optional] g. That the parent or eligible student has a right to obtain a copy of the school district's policy regarding the protection and privacy of pupil records; and

[optional] h. That copies of the school district's policy regarding the protection and privacy of school records are located at _____ *(insert location)*.

[optional] 2. Independent School District No. 991 has adopted a school board policy in order to comply with state and federal laws regarding education records. The policy does the following:

a. It classifies records as public, private or confidential.

b. It establishes procedures and regulations to permit parents or students to inspect and review a student's education records. These procedures include the method of determining fees for copies, a listing of the locations of these education records, and the identity of the individuals in charge of the records.

c. It establishes procedures and regulations to allow parents or students to request the amendment of a student's education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.

d. It establishes procedures and regulations for access to and disclosure of education records.

e. It establishes procedures and regulations for safeguarding the privacy of education records and for obtaining prior written consent of the parent or student when required prior to disclosure.

3. Copies of the school board policy and accompanying procedures and regulations are available to parents and students upon written request to the Superintendent.

4. Pursuant to applicable law, Independent School District No. 991 gives notice to parents of students currently in attendance in the school district, and eligible students currently in attendance in the school district, of their rights regarding "directory information."

"Directory information" includes the following information relating to a student: grade level.

a. THE INFORMATION LISTED ABOVE SHALL BE PUBLIC INFORMATION WHICH THE SCHOOL DISTRICT MAY DISCLOSE FROM THE EDUCATION RECORDS OF A STUDENT OR INFORMATION REGARDING A PARENT.

b. SHOULD THE PARENT OF A STUDENT OR THE STUDENT SO DESIRE, ANY OR ALL OF THE LISTED INFORMATION WILL NOT BE DISCLOSED WITHOUT THE PARENT'S OR ELIGIBLE STUDENT'S PRIOR WRITTEN CONSENT EXCEPT TO SCHOOL OFFICIALS AS PROVIDED UNDER FEDERAL LAW.

c. IN ORDER TO MAKE ANY OR ALL OF THE DIRECTORY INFORMATION LISTED ABOVE "PRIVATE" (I.E. SUBJECT TO CONSENT PRIOR TO DISCLOSURE), THE PARENT OR ELIGIBLE STUDENT MUST MAKE A WRITTEN REQUEST TO THE BUILDING PRINCIPAL WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE LAST PUBLICATION OF THIS NOTICE. THIS WRITTEN REQUEST MUST INCLUDE THE FOLLOWING INFORMATION:

(1) NAME OF STUDENT AND PARENT, AS APPROPRIATE;

(2) HOME ADDRESS;

(3) SCHOOL PRESENTLY ATTENDED BY STUDENT;

(4) PARENT'S LEGAL RELATIONSHIP TO STUDENT, IF APPLICABLE;

(5) SPECIFIC CATEGORY OR CATEGORIES OF DIRECTORY INFORMATION WHICH IS NOT TO BE MADE PUBLIC WITHOUT THE PARENT'S OR ELIGIBLE STUDENT'S PRIOR WRITTEN CONSENT.

5. Pursuant to applicable law, Independent School District No. 991 hereby gives notice to parents of students and eligible students in grades 11 and 12 of their rights regarding release of information to military recruiting officers and post-secondary educational institutions. The school district must release the names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request. Data released to military recruiting officers under this provision may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military and cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

SHOULD THE PARENT OF A STUDENT OR THE ELIGIBLE STUDENT SO DESIRE, ANY OR ALL OF THE LISTED INFORMATION WILL NOT BE DISCLOSED TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS WITHOUT PRIOR CONSENT.

IN ORDER TO REFUSE THE RELEASE OF THIS INFORMATION WITHOUT PRIOR CONSENT, THE PARENT OR ELIGIBLE STUDENT MUST MAKE A WRITTEN REQUEST TO THE RESPONSIBLE AUTHORITY, *[DESIGNATE TITLE OF INDIVIDUAL, I.E. BUILDING PRINCIPAL],* BY *[INSERT DATE]* EACH YEAR. THIS WRITTEN REQUEST MUST INCLUDE THE FOLLOWING INFORMATION:

(1) NAME OF STUDENT AND PARENT, AS APPROPRIATE;

(2) HOME ADDRESS;

(3) STUDENT'S GRADE LEVEL;

(4) SCHOOL PRESENTLY ATTENDED BY STUDENT;

(5) PARENT'S LEGAL RELATIONSHIP TO STUDENT, IF APPLICABLE;

(6) SPECIFIC CATEGORY OR CATEGORIES OF INFORMATION WHICH ARE NOT TO BE RELEASED TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS WITHOUT PRIOR CONSENT;

(7) SPECIFIC CATEGORY OR CATEGORIES OF DIRECTORY INFORMATION WHICH ARE NOT TO BE RELEASED TO THE PUBLIC, INCLUDING MILITARY RECRUITING OFFICERS AND PSOT-SECONDARY EDUCATIONAL INSTITUTIONS.

Notice: Refusal to release the above information to military recruiting officers and post-secondary educational institutions alone does not affect the School District's release of directory information to the public, including military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in the Directory Information section of this notice also must be followed. If you do not want your child's or eligible student's directory information released to military recruiting officers or post-secondary educational institutions, you also must notify the school district that you do not want this directory information released to any member of the public, including military recruiting officers and post-secondary educational institutions.

INDEPENDENT SCHOOL DISTRICT NO. 991
_____, MINNESOTA

Dated:_____

_____
Chair

[Note: The use of this form requesting information about specific activities or behavior is mandated by statute. In addition, the school district is required to maintain such requests and a record of any release in the student's file.]

JUVENILE JUSTICE SYSTEM
REQUEST FOR INFORMATION

Family Educational Rights and Privacy Act
Minnesota Government Data Practices Act, Minn. Stat. § 13.32, Subds. 3(i) and 8(b)

DATE/TIME OF REQUEST:_____

TO:_____
(Superintendent of school district or chief administrative officer of school)

FROM:_____
(Requester's name/agency)

STUDENT:_____

BASIS FOR REQUEST:

_____ Juvenile delinquency investigation/prosecution

_____ Child protection assessment/investigation

_____ Investigation/filing of CHIPS or delinquency petition

REASON FOR REQUEST: (Requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student)

_____
_____
_____
_____
_____

RESPONSE TO REQUEST:

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

INFORMATION REQUESTED: (*mark all that apply*) **RESPONSE PROVIDED:** (*yes / no*)

Indicate whether you have data that document the student's:

_____ Use of a controlled substance, alcohol, or tobacco _____

_____	Assaultive or threatening conduct as defined in Minn. Stat. § 13.32, Subd. 8	_____
_____	Possession or use of weapons or look-alike weapons	_____
_____	Theft	_____
_____	Vandalism and damage to property	_____

CERTIFICATION: The undersigned certifies that he or she is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that he or she understands that, by signing this request, he or she is subject to the penalties in Minn. Stat. § 13.09.

_____

Signature/Title

[Note: A principal or chief administrative officer of a school who receives such a request to disclose information about a student to the juvenile justice system shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten (10) days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the principal or chief administrative officer must respond to the data request.]

516 STUDENT MEDICATION AND TELEHEALTH

I. PURPOSE

The purpose of this policy is to set forth the provisions that must be followed when administering nonemergency prescription medication to students at school.

II. GENERAL STATEMENT OF POLICY

SWWC acknowledges that some students may require prescribed drugs or medication or telehealth during the school day. The licensed school nurse, trained school personnel, administrator, or teacher will administer prescribed medications, except any form of medical cannabis, in accordance with law and SWWC procedures.

III. DRUG AND MEDICATION REQUIREMENTS

A. Administration of Drugs and Medicine

1. The administration of prescription medication or drugs at school requires a completed signed request from the student's parent and a signed order from the physician. An oral request must be reduced to writing within two school days, provided that SWWC may rely on an oral request until a written request is received.

2. Drugs and medicine subject to Minnesota Statutes, 121A.22 must be administered, to the extent possible, according to school board procedures that must be developed in consultation with:
    a. with a licensed nurse, in a district that employs a licensed nurse under Minnesota Statutes, section 148.171;
    b. with a licensed school nurse, in a district that employs a licensed school nurse licensed under Minnesota Rules, part 8710.6100;
    c. with a public or private health-related organization, in a district that contracts with a public or private health or health-related organization, according to Minnesota Statutes, 121A.21; or
    d. with the appropriate party, in a district that has an arrangement approved by the Commissioner of the Minnesota Department of Education, according to Minnesota Statutes, 121A.21.

3. Exclusions

The provisions on administration of drugs and medicine above do not apply to drugs or medicine that are:

a. purchased without a prescription;
b. used by a pupil who is 18 years old or older;
c. used in connection with services for which a minor may give effective consent;
d. used in situations in which, in the judgment of the school personnel, including a licensed nurse, who are present or available, the risk to the pupil's life or health is of such a nature

that drugs or medicine should be given without delay;

e. used off the school grounds;

f. used in connection with athletics or extracurricular activities;

g. used in connection with activities that occur before or after the regular school day;

h. provided or administered by a public health agency to prevent or control an illness or a disease outbreak as provided under Minnesota law;

i. prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
    a. the school district has received a written authorization each school year from the pupil's parent permitting the student to self-administer the medication;
    b. the inhaler is properly labeled for that student; and
    c. the parent has not requested school personnel to administer the medication to the student.

In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If SWWC employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers.

j. epinephrine auto-injectors, consistent with Minnesota Statutes, section 121A.2205, if the parent and prescribing medical professional annually inform the pupil's school in writing that

    a. the pupil may possess the epinephrine or
    b. the pupil is unable to possess the epinephrine and requires immediate access to epinephrine auto-injectors that the parent provides properly labeled to the school for the pupil as needed.

k. For the purposes of Minnesota Statutes, 121A.22, special health treatments and health functions, such as catheterization, tracheostomy suctioning, and gastrostomy feedings, do not constitute administration of drugs or medicine.

l. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy.

B. Prescription Medication

1. An “Administrating Prescription Medications” form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs. Prescription medication as used in this policy does not include any form of medical cannabis as defined in Minnesota Statutes section 152.22, Subd. 6.

2. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label.

3. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.

4. Prescription medications are not to be carried by the student but will be left with the appropriate school personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Paragraph III.A.3(i) above), and medications administered as noted in a written agreement between SWWC and the parent or as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan).

5. SWWC must be notified immediately by the parent or student 18 years old or older in writing of any change in the student’s prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.

6. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the principal and to other personnel designated to administer the medication.

7. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.

8. If the administration of a drug or medication described in this section requires the school district to store the drug or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For a drug or medication that is not a controlled substance, the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication remains in the possession of school personnel. For a drug or medication that is a controlled substance, the request must specify that the parent or legal guardian is required to retrieve the drug or controlled substance when requested by the school.

C. Nonprescription Medication

A secondary student may possess and use nonprescription pain relief in a manner consistent with the labeling, if the school district has received written authorization from the student's parent or guardian permitting the student to self-administer the medication. The parent or guardian must submit written authorization for the student to self-administer the medication each school year. The school district may revoke a student's privilege to possess and use nonprescription pain relievers if the school district determines that the student is abusing the privilege. This provision does not apply to the possession or use of any drug or product containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients. Except as stated in this paragraph, only prescription medications are governed by this policy.

D. Possession and Use of Epinephrine Auto-Injectors

At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine auto-injectors that enables the student to:

1. possess epinephrine auto-injectors; or

2. if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors in close proximity to the student at all times during the instructional day.

For the purposes of this policy, "instructional day" is defined as eight hours for each student contact day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine auto-injectors when required, consistent with state law. This health plan may be included in a student's Section 504 plan.

SWWC may obtain and possess epinephrine auto-injectors to be maintained and administered by school personnel, including a licensed nurse, to a student or other individual if, in good faith, it is determined that person is experiencing anaphylaxis regardless of whether the student or other individual has a prescription for an epinephrine auto-injector. The administration of an epinephrine auto-injector in accordance with Minnesota Statutes, section 121A.2207 is not the practice of medicine.

Effective July 1, 2024, registered nurses may administer epinephrine auto-injectors in a school setting according to a condition-specific protocol as authorized under Minnesota Statutes, section 148.235, subdivision 8. Notwithstanding any limitation in Minnesota Statutes, sections 148.171 to 148.285, licensed practical nurses may administer epinephrine auto-injectors in a school setting according to a condition-specific protocol that does not reference a specific patient and that

specifies the circumstances under which the epinephrine auto-injector is to be administered, when caring for a patient whose condition falls within the protocol.

SWWC may enter into arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market, free, or reduced prices. A third party, other than a manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

E. Sunscreen

A student may possess and apply a topical sunscreen product during the school day while on school property or at a school-sponsored event without a prescription, physician's note, or other documentation from a licensed health care professional. School personnel are not required to provide sunscreen or assist students in applying sunscreen.

F. Procedure regarding unclaimed drugs or medications.

1. SWWC has adopted the following procedure for the collection and transport of any unclaimed or abandoned prescription drugs or medications remaining in the possession of school personnel in accordance with this policy. Before the transportation of any prescription drug or medication under this policy, SWWC shall make a reasonable attempt to return the unused prescription drug or medication to the student's parent or legal guardian. Transportation of unclaimed or unused prescription drugs or medications will occur at least annually but may occur more frequently at the discretion of SWWC.

2. If the unclaimed or abandoned prescription drug is not a controlled substance as defined under Minnesota Statutes section 152.01, subdivision 4, or is an over-the-counter medication, SWWC will properly dispose on-site.

3. If the unclaimed or abandoned prescription drug is a controlled substance as defined in Minnesota Statutes section 152.01, subdivision 4, SWWC or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. SWWC must request that a law enforcement agency transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a site is not available, under the agency's procedure for transporting drugs.

IV. ACCESS TO SPACE FOR MENTAL HEALTH CARE THROUGH TELEHEALTH

A. Beginning October 1, 2024, to the extent space is available, the school district must provide an enrolled secondary school student with access during regular school hours, and to the extent staff is available, before or after the school day on days when students receive instruction at school, to space at the school site that a student may use to receive mental health care through telehealth from a student's licensed mental health provider. A secondary school must develop a plan with procedures to receive requests for access to the space.

B. The space must provide a student privacy to receive mental health care.

C. A student may use a SWWC-issued device to receive mental health care through telehealth if such use is consistent with the district or school policy governing acceptable use of the SWWC-issued device.

D. SWWC may require a student requesting access to space under this section to submit to the school a signed and dated consent from the student's parent or guardian, or from the student if the student is age 16 or older, authorizing the student's licensed mental health provider to release information from the student's health record that is requested by the school to confirm the student is currently receiving mental health care from the provider. Such a consent is valid for the school year in which it is submitted.

Legal References:

Minn. Stat. § 13.32 (Student Health Data)
Minn. Stat. § 121A.21 (School Health Services)
Minn. Stat. § 121A.216 (Access to Space for Mental Health Care through Telehealth)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Auto-Injectors; Model Policy)
Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Auto-Injectors)
Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)
Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)
Minn. Stat. § 121A.223 (Possession and Use of Sunscreen)
Minn. Stat. § 148.171 (Definitions; Title)
Minn. Stat. § 151.212 (Label of Prescription Drug Containers
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Rule 8710.6100 (School Nurse)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)

Cross References:

SWWC Policy 418 (Drug-Free Workplace/Drug-Free School)

518 DNR-DNI ORDERS

I. PURPOSE

SWWC recognizes that it is serving students with complex health needs. SWWC also recognizes that SWWC staff may be confronted with requests to withhold emergency care of a student in the event of a life threatening situation at school or school activities or be presented with Do Not Resuscitate/Do Not Intubate (DNR-DNI) orders. The purpose of this policy is to provide guidance to SWWC staff and parents or guardians in these situations.

II. GENERAL STATEMENT OF POLICY

A. The primary mission of SWWC is education. DNR-DNI orders are medical documents. SWWC staff will not accept or honor requests to withhold emergency care or DNR-DNI orders. SWWC will not convey such orders to emergency medical personnel.

B. SWWC staff will provide reasonable emergency care and assistance when a student is undergoing a medical emergency during school or school activities.

C. SWWC staff will activate emergency medical services (911) as soon as possible when a student is undergoing a medical emergency during school or school activities.

D. The parent/guardian will be notified of the emergency as soon as possible.

E. Notwithstanding this SWWC policy, IEP and Section 504 teams must develop individualized medical emergency care plans for students when appropriate in accordance with state and federal law.

F. Parents/guardians who request that emergency care be withheld for their child or who present DNR-DNI orders, shall be advised of and shall be given a copy of this policy.

Legal References: 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
42 U.S.C. §§ 12101-12213 (Americans with Disabilities Act)

519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

I. PURPOSE

There are occasions in which persons other than SWWC officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the SWWC. The purpose of this policy is to establish the procedures for access to students by authorized individuals during the school day.

II. GENERAL STATEMENT OF POLICY

A. Generally, students may not be interviewed during the school day by persons other than a student's parents, SWWC officials, employees and/or agents, except as otherwise provided by law and/or this policy.

B. Requests from law enforcement officers and those other than a student's parents, SWWC officials, employees and/or agents to interview students shall be made through the Site Administrator or designated supervisor's office. Upon receiving a request, it shall be the responsibility of the Site Administrator or designated supervisor to determine whether the request will be granted. Prior to granting a request, the administrator or designated supervisor shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

A. In the case of an investigation pursuant to the Reporting of Maltreatment of Minors Act, Minnesota Statutes Chapter 260E, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. SWWC officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or SWWC official.

B. If the interview took place or is to take place on SWWC property, an order of the juvenile court pursuant to Minnesota Statutes Chapter 260E (c) may specify that SWWC officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on SWWC property and/or any other related information regarding the interview that may be a part of the child's record. The SWWC official must receive a copy of the order from the local welfare or law enforcement agency.

C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on SWWC property, SWWC

officials must receive written notification of intent to interview the child on SWWC property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on SWWC property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. SWWC officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until SWWC officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.

D. SWWC officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on SWWC premises. However, where the alleged perpetrator is believed to be a SWWC official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the SWWC officials and the local welfare or law enforcement agency. However, SWWC officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. SWWC officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on SWWC premises.

E. Students shall not be taken from SWWC property without the consent of the Site Administrator and without proper warrant.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)

Cross References: SWWC Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
SWWC Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
SWWC Policy 515 (Protection and Privacy of Pupil Records)

521 STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Students with disabilities who meet the criteria of Paragraph C. below are protected from discrimination on the basis of a disability.

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

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

1. Has a physical or mental impairment that substantially limits one or more major life activities; or

2. Has a record of such impairment; or

3. Is regarded as having such impairment.

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

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

III. COORDINATOR

Persons who have questions or comments should contact the resident school district and Regional Director of Special Education regarding grievances or hearing requests regarding disability issues. This person is the school district's ADA/504 Coordinator. Persons who wish to make a complaint regarding a disability discrimination matter may use the accompanying Student Disability Discrimination Grievance Report Form. The form should be given to the ADA/Section 504 Coordinator.

Legal References:

Minn. Stat. § 363A.03, Subd. 12 (Definitions)
42 U.S.C. Ch. 126 (Equal Opportunity for Individuals with Disabilities)
29 U.S.C. § 794 *et seq.* (§ 504 of Rehabilitation Act of 1973)
34 C.F.R. Part 104 (Section 504 Implementing Regulations)

Cross References:

MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

INDEPENDENT SCHOOL DISTRICT NO. 991
STUDENT DISABILITY DISCRIMINATION GRIEVANCE REPORT FORM

General Statement of Policy Prohibiting Disability Discrimination
Independent School District No. 991 maintains a firm policy prohibiting all forms of discrimination on the basis of a disability. All persons are to be treated with respect and dignity. Discrimination on the basis of a disability will not be tolerated under any circumstances.

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

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

Date of alleged incident(s):_____
Name of person you believe discriminated against you or another person:_____

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

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

Location of the incident(s):_____
_____
_____

List any witnesses that were present:
_____
_____
_____

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

_____ Date: _____
Complainant Signature

Received by: _____ Date: _____

SWWC
INDEPENDENT SCHOOL DISTRICT NO. 991

UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT

General Statement of Policy Prohibiting Unlawful Sex Discrimination Toward a Student

SWWC, Independent School District No. 991 maintains a firm policy prohibiting all forms of unlawful sex discrimination. All students are to be treated with respect and dignity. Unlawful sex discrimination by any teacher, administrator or other school personnel will not be tolerated under any circumstances.

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

Date of Alleged Incident(s): _____

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

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

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

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

List any witnesses that were present: _____
_____

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

_____ _____
(Complainant Signature) (Date)

Received by: _____ _____

Adopted: 7/27/05
Revised: 1/28/26

522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

I. GENERAL STATEMENT OF POLICY

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

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

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

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

Primary:
Kari Bailey
Director of Human Resources
507-537-2292
kari.bailey@swwc.org
100 London Road
Marshall, MN 56258

Alternate:
Cliff Carmody
Executive Director
507-537-2251
Cliff.Carmody@swwc.org
100 London Road
Marshall, MN 56258

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

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

II. DEFINITIONS

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to SWWC's Title IX Coordinator or to any employee of SWWC. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of SWWC with actual knowledge is the respondent.

B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.

C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that SWWC office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. SWWC is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

E. "Education program or activity" means locations, events, or circumstances for which SWWC exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes SWWC education programs or activities that occur on or off of SWWC property.

F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that SWWC investigate the allegation of sexual harassment.

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

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

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

H. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and

exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

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

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

1. *Quid pro quo* harassment by a SWWC employee (conditioning the provision of an aid, benefit, or service of SWWC on an individual's participation in unwelcome sexual conduct);

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

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

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

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

1. "Title IX Coordinator" means an employee of SWWC that coordinates SWWC's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are

provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administrating the grievance process.

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

3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.

4. "Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a SWWC employee, or a third party designated by SWWC.

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

III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. SWWC shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.

2. SWWC will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.

3. SWWC will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.

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

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

D. Confidentiality

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

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

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

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

F. Notice

SWWC will send written notice of any investigative interviews or meetings to

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

G. Consolidation

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

H. Evidence

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

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

I. Burden of Proof

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

2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when SWWC employees are respondents.

J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.

2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by SWWC within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by SWWC.

4. SWWC will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by SWWC.

5. Although SWWC strives to adhere to the timelines described above, in each case, SWWC may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening SWWC holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

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

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

IV. REPORTING PROHIBITED CONDUCT

A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.

B. Any employee of SWWC who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.

C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact

information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, SWWC may report the alleged conduct to law enforcement authorities. SWWC encourages complainants to report criminal behavior to the police immediately.

V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

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

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

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

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

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;

2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;

4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;

5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and

6. A copy of this policy.

VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

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

   a. SWWC undertakes an individualized safety and risk analysis;

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

   c. SWWC determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related SWWC policies, including Policy 506 – Student Discipline. SWWC must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

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

VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by SWWC at its discretion, but only after a formal complaint has been received by SWWC.

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

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

D. SWWC will not facilitate an informal resolution process without both parties'

agreement, and will obtain their voluntary, written consent. SWWC will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

VIII. DISMISSAL OF A FORMAL COMPLAINT

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

1. Would not meet the definition of sexual harassment, even if proven;

2. Did not occur in SWWC's education program or activity; or

3. Did not occur against a person in the United States.

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

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;

2. The respondent is no longer enrolled or employed by SWWC; or

3. Specific circumstances prevent SWWC from gathering sufficient evidence to reach a determination.

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

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

IX. INVESTIGATION OF A FORMAL COMPLAINT

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

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

C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to

provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

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

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

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. SWWC will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

X. DETERMINATION REGARDING RESPONSIBILITY

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

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

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

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

1. Identification of the allegations potentially constituting sexual harassment;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

3. Findings of fact supporting the determination;

4. Conclusions regarding the application of SWWC's code of conduct to the facts;

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions SWWC imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by SWWC to the complainant; and

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

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

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

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

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

XI. APPEALS

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

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

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

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

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

C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

D. The written decision describing the result of the appeal must be provided simultaneously to the parties.

E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

XII. RETALIATION PROHIBITED

A. Neither SWWC nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.

C. Charging an individual with violation of SWWC policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIII. TRAINING

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

1. The Title IX definition of sexual harassment;

2. The scope of SWWC's education program or activity;

3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;

4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;

5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and

6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

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

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

XIV. DISSEMINATION OF POLICY

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

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

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

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;

2. Notice that SWWC does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;

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

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

XV. RECORDKEEPING

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

1. The basis for SWWC's conclusion that its response to the report or formal complaint was not deliberately indifferent;

2. The measures SWWC has taken that are designed to restore or preserve equal access to SWWC's education program or activity; and

3. If SWWC does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.

4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. SWWC must also maintain for a period of seven calendar years records of:

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

2. Any appeal and the result therefrom;

3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Personnel.

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

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

523 POLICIES INCORPORATED BY REFERENCE

PURPOSE

Certain policies as contained in this policy reference manual are applicable to students as well as to employees. In order to avoid undue duplication, SWWC provides notice by this section of the application and incorporation by reference of the following policies which also apply to students:

Model Policy 413	Harassment and Violence
Model Policy 417	Chemical Use and Abuse
Model Policy 418	Drug-Free Workplace/Drug-Free School
Model Policy 419	Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices
Model Policy 420	Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

Students are charged with notice that the above cited policies are also applicable to students; however, students are also on notice that the provisions of the various policies speak for themselves and may be applicable although not specifically listed above.

Legal References:

Cross References:

524 INTERNET, TECHNOLOGY, AND CELL PHONE ACCEPTABLE USE, SAFETY, AND DATA PRIVACY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to SWWC technology systems and acceptable and safe use of the Internet, including electronic communications and data privacy protections.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to SWWC technology systems and the Internet, including electronic communications, SWWC considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to SWWC technology systems and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. SWWC expects that faculty will blend thoughtful use of SWWC technology systems and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

SWWC is providing students and employees with access to SWWC technology systems, which includes Internet access. The purpose of these systems is more specific than providing students and employees with general access to the Internet. SWWC systems have a limited educational purpose, which includes use of the systems for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of SWWC and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of SWWC systems and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of SWWC systems or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate SWWC policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

A. While not an exclusive list, the following uses of SWWC systems and Internet resources or accounts are considered unacceptable:

1. Users will not use SWWC systems to access, review, upload,

download store, print, post, receive, transmit or distribute:

a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;

b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;

c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;

d. information or materials that could cause damage or danger of disruption to the educational process;

e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.

2. Users will not use SWWC systems to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.

3. Users will not use SWWC systems to engage in any illegal act or violate any local, state or federal statute or law.

4. Users will not use SWWC systems to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means, will not tamper with, modify or change SWWC system software, hardware or wiring or take any action to violate SWWC's security system, and will not use SWWC systems in such a way as to disrupt the use of the systems by other users.

5. Users will not use SWWC systems to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person.

6. Users will not use SWWC systems to post, share or otherwise disseminate private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs or other information that would make the individual's

identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.

a. This paragraph does not prohibit the posting of employee contact information on SWWC webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e. communications with parents or other staff members related to students).

b. Employees creating or posting SWWC-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:

(1) Such information is classified by SWWC as directory information and verification is made that SWWC has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or

(2) Such information is not classified by SWWC as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a SWWC-related webpage, employees shall obtain written approval of the content of the postings from the Executive Director or designee.

c. These prohibitions specifically prohibit a user from utilizing SWWC systems to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as “Facebook,” “Twitter,” “Instagram,” “Snapchat,” “Tik Tok,” “Reddit,” and similar websites or applications.

7. Users must maintain usernames and passwords in accordance to the standards and procedures detailed in the SWWC Technology Resources Manual. Users will not attempt to gain unauthorized access to SWWC systems or any other system through SWWC’s systems, attempt to log in through any account other than those assigned directly to the user. Messages and records on SWWC system may not be encrypted without the permission of appropriate SWWC authorities.

8. Users will not use SWWC systems to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.

9. Users will not use SWWC systems for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of SWWC. Users will not use SWWC systems to offer or provide goods or services or for product advertisement. Users will not use SWWC systems to purchase goods or services for personal use without authorization from the appropriate SWWC official.

10. Users will not use SWWC systems to engage in bullying or cyberbullying in violation of SWWC's Bullying Prohibition Policy (Policy 514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.

B. SWWC has a special interest in regulating off-campus speech that materially disrupts classwork or involves substantial disorder or invasion of the rights of others. A student or employee engaging in the foregoing unacceptable uses of the Internet when off SWWC premises may be in violation of this policy as well as other SWWC policies. Examples of such violations, but are not limited to, serious or severe bullying or harassment targeting particular individuals, threats aimed at teacher or other students, failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities, and breaches of school security devices. If SWWC receives a report of an unacceptable use originating from a non-school computer or resource, SWWC may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct including, but not limited to, suspension or cancellation of the use or access to SWWC technology systems and the Internet and discipline under other appropriate SWWC policies, including suspension, expulsion, exclusion or termination of employment.

C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate SWWC official. In the event of an employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of an employee, the immediate supervisor and/or the building administrator.

VI. FILTER

A. With respect to Internet access, SWWC will monitor the online activities of both minors and adults and employ technology protection measures during any use of the Internet by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual, written, audio, and other depictions or representations that are:

1. Obscene;

2. Child pornography; or

3. Harmful to minors.

B. The term “harmful to minors” means any picture, image, graphic image file, or other depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or

2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

D. An administrator, supervisor or other person authorized by SWWC may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

E. SWWC will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of SWWC technology systems and use of the Internet shall be consistent with SWWC policies and the mission of SWWC.

VIII. LIMITED EXPECTATION OF PRIVACY

A. By authorizing use of SWWC systems, SWWC does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on SWWC systems.

B. Routine maintenance and monitoring of SWWC systems may lead to a discovery that a user has violated this policy, another SWWC policy, or the law.

C. An individual investigation or search will be conducted if SWWC authorities have a reasonable suspicion that the search will uncover a violation of law or SWWC policy.

D. Parents may have the right at any time to investigate or review the contents of their child's files and e-mail files in accordance with SWWC's Protection and Privacy of Pupil Records Policy. Parents have the right to request the termination of their child's individual account at any time.

E. SWWC employees should be aware that SWWC retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, employees should be aware that data and other materials in files maintained on SWWC systems may be subject to review, disclosure or discovery under Minnesota Statutes Chapter 13 (Minnesota Government Data Practices Act).

F. SWWC will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with SWWC policies conducted through SWWC systems.

IX. INTERNET USE AGREEMENT

A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents and employees of SWWC.

B. This policy requires the permission of and supervision by SWWC's designated professional staff before a student may use a SWWC account or resource to access the Internet.

The Internet Use Agreement Form for students must be read and signed by the student and the parent or guardian. The form must then be filed at the school office.

The Internet Use Agreement Form for employees must be read and agreed to upon initiation of employment and annually as a part of the SWWC annual sign-off process. Digital records of acceptance of the agreement will be maintained by the appropriate SWWC authorities.

X. LIMITATION ON SWWC LIABILITY

Use of SWWC systems is at the user's own risk. The system is provided on an "as is, as available" basis. SWWC will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on SWWC, hard drives, servers, cloud-based and other storage resources, or for delays or changes in or interruptions of service or mis-deliveries or non-deliveries of information or materials, regardless of the cause. SWWC is not responsible for the accuracy or quality of any advice or information obtained

through or stored on SWWC's systems. SWWC will not be responsible for financial obligations arising through unauthorized use of SWWC systems or the Internet.

XI. USER NOTIFICATION

A. All users shall be notified of SWWC policies relating to Internet use.

B. This notification shall include the following:

1. Notification that Internet use is subject to compliance with SWWC policies.

2. Disclaimers limiting SWWC's liability relative to:

a. Information stored on SWWC hard drives, servers, cloud-based and other storage resources.

b. Information retrieved through SWWC devices, networks or online resources.

c. Personal property used to access SWWC devices, networks or online resources.

d. Unauthorized financial obligations resulting from use of SWWC resources/accounts to access the Internet.

3. A description of the privacy rights and limitations of SWWC sponsored/managed Internet accounts.

4. Notification that, even though SWWC may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.

5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student or employee through the Internet is the sole responsibility of the student and/or the student's parents or the employee.

6. Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Public and Private Personnel Data Policy, and Protection and Privacy of Pupil Records Policy.

7. Notification that, should the user violate SWWC's acceptable use policy, the user's access privileges may be revoked, disciplinary action may be taken and/or appropriate legal action may be taken.

8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for monitoring their student's use of SWWC systems and of the Internet if the student is accessing a SWWC system from home or a remote location.

B. Parents will be notified that their students will be using SWWC resources/accounts to access the Internet and that SWWC will provide parents the option to request alternative activities not requiring Internet access. This notification should include:

1. A copy of the user notification form provided to the student user.

2. A description of parent/guardian responsibilities.

3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.

4. A statement that the Internet Use Agreement must be signed by the student and the parent or guardian prior to use by the student.

5. A statement that SWWC's acceptable use policy is available for parental review.

XIII. NOTIFICATION REGARDING TECHNOLOGY PROVIDERS

A. "Technology provider" means a person who:

1. contracts with the school district, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and

2. creates, receives, or maintains educational data pursuant or incidental to a contract with the school district.

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

C. Within 30 days of the start of each school year, the school district must give parents and students direct and timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

1. identify each curriculum, testing, or assessment technology provider with access to educational data;

2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and

3. include information about the contract inspection and provide contact information for a school department to which a parent or student may direct questions or concerns regarding any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.

D. The school district must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.

E. A contract between a technology provider and the school district must include requirements to ensure appropriate security safeguards for educational data. The contract must require that:

1. the technology provider's employees or contractors have access to educational data only if authorized; and

2. the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.

F. All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

XIV. SCHOOL-ISSUED DEVICES

A. "School-issued device" means hardware or software that the school district, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.

B. Except as provided in paragraph C, the school district or a technology provider must not electronically access or monitor:

1. any location-tracking feature of a school-issued device;

2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or

3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.

C. The school district or a technology provider may only engage in activities prohibited by paragraph B if:

1. the activity is limited to a noncommercial educational purpose for instruction, technical support, or exam-proctoring by school district employees, student teachers, staff contracted by the school district, a vendor, or the Minnesota Department of Education, and notice is

provided in advance;

2. the activity is permitted under a judicial warrant;

3. the school district is notified or becomes aware that the device is missing or stolen;

4. the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;

5. the activity is necessary to comply with federal or state law, including but not limited to Minnesota Statutes section 121A.031; or

6. the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.

D. If the school district or a technology provider interacts with a school-issued device as provided in paragraph C, clause 4, it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

XV. CELL PHONE USE

A. SWWC programs may prohibit cell phones and other electronic communication devices during the school day unless explicitly permitted by the program administrator and instructor for educational, medical, or emergency purposes.

B. Cell phones should be put away during lectures, group discussion, and activities unless permitted by the instructor for educational, medical, or emergency purposes (e.g., research, note-taking, translation, or calculator use).

C. Students are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by SWWC policies including, but not limited to: cheating, bullying, harassment, and malicious and sadistic conduct. If the school district has a reasonable suspicion that a student has violated a school policy, rule, or law by use of a cell phone or other electronic communication device, the school district may search the device. The search of the device will be reasonably related in scope to the circumstances justifying the search. In addition, a student’s cell phone or electronic communication device may be confiscated by the school district and, if applicable, provided to law enforcement. Cell phones or other electronic communication devices that are confiscated and retained by the school district will be returned in accordance with school building procedures.

XVI. Limit ON SCREEN TIME FOR CHILDREN IN PRESCHOOL AND KINDERGARTEN

A child in a publicly funded preschool or kindergarten program may not use an individual-use screen, such as a tablet, smartphone, or other digital media, without engagement from a teacher or other students. This section does not apply to a child for whom the school has an individualized family service plan, an individualized education program, or a 504 plan in effect.

XVII. IMPLEMENTATION; POLICY REVIEW

A. SWWC administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the board of directors for approval. Upon approval by the board of directors, such guidelines, forms and procedures shall be an addendum to this policy.

B. The administration shall revise the user notifications, including student and parent notifications, and notifications to employees, if necessary, to reflect the adoption of these guidelines and procedures.

C. SWWC Internet policies and procedures are available for review by all parents, guardians, staff and members of the community.

D. Because of the rapid changes in the development of the Internet, the SWWC Service Cooperative Board shall conduct an annual review of this policy.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.73 (School Cell Phone Policy)
Minn. Stat. § 124D.166 (Limit on Screen Time for Children in Preschool and Kindergarten)
15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
17 U.S.C. § 101 *et seq.* (Copyrights)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 125B.15 (Internet Access for Students)
Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
Mahanoy Area Sch. Dist. v. B.L., 594 U.S., 141 S. Ct. 2038 (2021)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
United States v. Amer. Library Assoc., 539 U.S. 194 (2003)
Sagehorn v. Indep. Sch. Dist. No. 728, 122 F.Supp.2d 842 (D. Minn. 2015)
R.S. v. Minnewaska Area Sch. Distr. No. 2149, 894 F.Supp.2d 1128 (D. Minn. 2012)
Tatro v. Univ. of Minnesota, 800 N.W.2d 811 (Minn. App. 2011), aff'd on other grounds 816 N.W.2d 509 (Minn. 2012)
S.J.W. v. Lee's Summit R-7 Sch. Dist., 696 F.3d 771 (8th Cir. 2012)
Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.,

853 F.Supp.2d 888 (W.D. Mo. 2012)
M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

Cross References:

SWWC Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
SWWC Policy 406 (Public and Private Personnel Data)
SWWC Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
SWWC Policy 506 (Student Discipline)
SWWC Policy 514 (Bullying Prohibition Policy)
SWWC Policy 515 (Protection and Privacy of Pupil Records)
SWWC Policy 519 (Interviews of Students by Outside Agencies)
SWWC Policy 521 (Student Disability Nondiscrimination)
SWWC Policy 522 (Title IX Sex Nondiscrimination Grievance Procedures and Policy)
SWWC Policy 603 (Curriculum Development)
SWWC Policy 604 (Instructional Curriculum)
SWWC Policy 606 (Textbooks and Instructional Materials)
SWWC Policy 806 (Crisis Management Policy)
SWWC Policy 904 (Distribution of Materials on SWWC Property by Nonschool Persons)

SWWC INTERNET USE AGREEMENT - STUDENT

STUDENT

I have read and do understand SWWC policies relating to safety and acceptable use of the school's technology systems and the Internet and agree to abide by them. I further understand that should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.

User's Full Name (please print): _____

User Signature: _____

Date: _____

PARENT OR GUARDIAN

As the parent or guardian of this student, I have read SWWC policies relating to safety and acceptable use of the school's technology systems and the Internet. I understand that this access is designed for educational purposes. SWWC has taken precautions to eliminate controversial material. However, I also recognize it is impossible for SWWC to restrict access to all controversial materials and I will not hold SWWC or its employees or agents responsible for materials acquired on the Internet. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give permission to issue an account for my child and certify that the information contained on this form is correct.

Parent or Guardian's Name (please print): _____

Parent or Guardian's Signature: _____

SWWC INTERNET USE AGREEMENT - EMPLOYEE

SWWC SERVICE COOPERATIVE EMPLOYEE

I have read and do understand SWWC policies relating to safety and acceptable use of SWWC technology systems and the Internet and agree to abide by them. I further understand that should I commit any violation, my access privileges may be revoked, disciplinary action may be taken, and/or appropriate legal action may be taken.

User's Full Name (please print): _____

User Signature: _____

Date: _____

525 VIOLENCE PREVENTION [APPLICABLE TO STUDENTS AND STAFF]

I. PURPOSE

The purpose of this policy is to recognize that violence has increased and to identify measures that SWWC will take in an attempt to maintain a learning and working environment that is free from violent and disruptive behavior.

The SWWC board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities, and on school grounds, buses or field trips while under school district supervision.

II. GENERAL STATEMENT OF POLICY

A. The policy of SWWC is to strictly enforce its weapons policy (Policy 501).

B. The policy of SWWC is to act promptly in investigating all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.

C. The administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the school board for review and adoption.

D. SWWC will implement approved violence prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

III. IMPLEMENTATION OF POLICY

A. The SWWC board will review and approve policies to prevent and address violence in our schools. The Executive Director or designee will develop procedures to effectively implement the school weapons and violence prevention policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.

B. The SWWC board and administration will inform staff and students annually of policies and procedures related to violence prevention and weapons.

C. SWWC will act promptly to investigate all acts and formal and informal complaints of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.

D. The consequences set forth in the school weapons policy (Policy 501) will be imposed upon any student or nonstudent who possesses, uses or distributes a weapon when in a school location.

E. The consequences set forth in the school hazing policy (Policy 526) will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.

F. Students who engage in assault or violent behavior will be removed from the classroom immediately and for a period of time deemed appropriate by the principal, in consultation with the teacher, pursuant to the student discipline policy (Policy 506).

G. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.

H. Procedures will be developed for the referral of any person in violation of this policy or the weapons policy to the local law enforcement agency in accordance with Minn. Stat. § 121A.05.

I. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial or sexual harassment or violence against other individuals as defined in the harassment and violence policy (Policy 413) will be subject to the procedures set forth in the student dress and appearance policy (Policy 504). "Gang" as used in this policy means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. A "pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

J. This policy is not intended to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, denote gang affiliation, advocate harassment or violence against others, are likely to disrupt the education process, or cause others to react in a violent or illegal manner (Policy 504).

IV. PREVENTION STRATEGIES

SWWC has adopted and will implement the following prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

A. Adopt a district crisis management policy to address potential violent crisis situations in the district.

B. Provide training in recognition, prevention, and safe responses to violence, and development of a positive school climate.

C. In-service training for personnel in aspects of reporting, visibility and supervision as deterrents to violence.

D. In-service training for personnel and school board members by experts familiar with sexual abuse, domestic violence, and personal safety issues on the following: helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways; responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and/or complying with mandatory reporting requirements under the Maltreatment of Minors Reporting Act.

E. Promote student safety responsibility by encouraging the reporting of suspicious individuals and unusual activities on school grounds.

F. Establish a curriculum committee that explores ways of teaching students violence prevention strategies, law-related education, and character/values education (universal values, e.g., honesty, personal responsibility, self-discipline, cooperation, and respect for other).

G. Develop cross-cultural awareness programs to unify students of all cultures and backgrounds to develop mutual respect and understanding of shared experiences and values among students, and to promote the message of inclusion.

Establish clear school rules that prevent and deter violence.

H. Establish conflict resolution training, conflict management program or peer mediation programs for staff and students to teach conservative approaches to settling disputes.

I. Implement curriculum that teaches social skills such as maintaining self-control, building communications skills, forming friendships, resisting peer pressure, being appropriately assertive, forming positive relationships with adults, and resolving conflict in nonviolent ways.

J. Develop curriculum that teaches critical viewing and listening skills in analyzing mass media to recognize stereotypes, distinguish fact from fantasy, and identify differences in behavior and values that conflict with their own.

K. Develop curriculum on child sexual abuse prevention for students, including age-appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. The curriculum may be created in consultation with federal, state, and local agencies and community-based organizations, including the Child Information Gateway website maintained by the United States Department of Health and Human Services, to identify research-based tools, curricula, and programs to prevent child sexual abuse.

L. Provide training to all school personnel on recognizing and preventing sexual abuse and sexual violence which may include training on mandatory reporting. Inform and discuss safety issues in the building.

M. Require all visitors to check-in the main office upon their arrival and state their business at the school. A visitor badge may be issued for easy identification that the visitor is authorized to be present in the school building.

V. STUDENT SUPPORT

A. Students will have access to school-based student service professionals, when available, including counselors, nurses, social workers, and psychologists who are knowledgeable in methods to assist students with violence prevention and intervention.

B. Students will be apprised of SWWC board policies designed to protect their personal safety.

C. Students will be provided with information as to school district and building rules regarding weapons and violence.

D. Students will be informed of resources for violence prevention and proper reporting.

VI. PERSONNEL

A. SWWC personnel shall comply with the school weapons policy (Policy 501) and the school hazing policy (Policy 526).

B. SWWC personnel shall be knowledgeable of violence prevention policies and report any violation to school administration immediately. SWWC personnel will be informed annually as to school district and building rules regarding weapons and violence prevention.

C. SWWC personnel or agents of the SWWC shall not engage in emotionally abusive acts including malicious shouting, ridicule, and/or threats or other forms of corporal punishment (Policy 507).

Legal References: Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)
Minn. Stat. § 120B.22 (Violence Prevention Education)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.035 (Crisis Management Policy)
Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.64 (Notification)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 181.967, Subd. 5 (School District Disclosure of Violence or Inappropriate Sexual Contact)
18 U.S.C. § 921 (Definition of Firearm)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 31 (1969)
Stephenson v. Davenport Cmty. Sch. Dist., 110 F.3d 1303 (8th Cir. 1997)
McIntire v. Bethel School 804 F.Supp. 1415, 78 Educ. L. 828 (W.D. Okla. 1992)
Olesen v. Board of Educ. of Sch. Dist. No. 228, 676 F.Supp. 820, 44 Educ. L.Rep. 205 (N.D. Ill. 1987)

Cross References: SWWC Policy 413 (Harassment and Violence)
SWWC Policy 501 (School Weapons Policy)
SWWC Policy 504 (Student Dress and Appearance)
SWWC Policy 506 (Student Discipline)
SWWC Policy 507 (Corporal Punishment)
SWWC Policy 514 (Bullying Prohibition Policy)
SWWC Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)

526 HAZING PROHIBITION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. No student, teacher, administrator, volunteer, contractor or other employee of resident district and/or SWWC shall plan, direct, encourage, aid or engage in hazing.

B. No teacher, administrator, volunteer, contractor or other employee of resident district and/or SWWC 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 resident district and/or SWWC 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 suspension 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 engaging in prohibited acts of hazing may include, but not be 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. Resident district and/or SWWC 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 resident district and/or SWWC who is found to have violated this policy.

III. DEFINITIONS

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

5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of resident district and/or SWWC 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 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 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 a 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 resident district and/or SWWC official designated by this policy. A person may report hazing anonymously. However, the resident district and/or SWWC may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. The resident district and/or SWWC encourages the reporting party to use the report form available from the principal or building supervisor, 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 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 resident district and/or SWWC 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 resident district and/or SWWC human rights officer or to the superintendent 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.

D. A teacher, administrator, volunteer, contractor, and other school employees of resident district and/or SWWC 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. Resident school district personnel and/or SWWC 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.

E. 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.

F. 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.

G. The resident district and/or SWWC 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 resident district's and/or SWWC's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. RESIDENT DISTRICT AND/OR SWWC ACTION

A. Within three days of the receipt of a complaint or report of hazing, resident district and/or SWWC shall undertake or authorize an investigation by resident district and/or SWWC officials or a third party designated by resident district and/or SWWC.

B. The building report taker or other appropriate resident district and/or SWWC officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and student, or others pending completion of an investigation of alleged hazing prohibited by 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 resident district and/or SWWC 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. Resident district and/or SWWC 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 resident district and/or SWWC policies and regulations.

E. Resident district and/or SWWC 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 resident district and/or SWWC. Resident district and/or SWWC 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 reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.

F. In order to prevent or to 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

Resident district and/or SWWC will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of resident district and/or SWWC 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 testifies, assists, or participates in an investigation of alleged hazing, or 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, 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. Resident district and/or SWWC will develop a method of discussing this policy with students and employees.

Legal References:

Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat121A.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)

Cross References:

SWWC Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
SWWC Policy 413 (Harassment and Violence)
SWWC Policy 506 (Student Discipline)
SWWC Policy 514 (Bullying Prohibition Policy)
SWWC Policy 525 (Violence Prevention [Applicable to Students and Staff]

527 STUDENT USE AND PARKING OF MOTOR VEHICLES; PATROLS, INSPECTIONS, AND SEARCHES

I. PURPOSE

The purpose of this policy is to provide guidelines for use and parking of motor vehicles by students in SWWC locations, to maintain order and discipline in the schools and to protect the health, safety and welfare of students and SWWC personnel.

II. GENERAL STATEMENT OF POLICY

The policy of SWWC is to allow the limited use and parking of motor vehicles by students in SWWC locations. The position of SWWC is that a fair and equitable district-wide student motor vehicle policy will contribute to the quality of the student's educational experience, will maintain order and discipline in the schools, and will protect the health, safety and welfare of students and SWWC personnel. This policy applies to all students in SWWC.

III. DEFINITIONS

A. "Contraband" means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the SWWC, and stolen property.

B. "Reasonable suspicion" means that a SWWC official has grounds to believe that the search will result in evidence of a violation of SWWC policy, rules, and/or law. Reasonable suspicion may be based on a SWWC official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

C. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

D. "SWWC location" means property that is owned, rented, leased, or borrowed by SWWC for school purposes, as well as property immediately adjacent to such property that may be used for parking or gaining access to such property. SWWC location also shall include off SWWC property at any SWWC-sponsored or SWWC-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of SWWC.

IV. STUDENT USE OF MOTOR VEHICLES IN SWWC LOCATIONS

Students may use motor vehicles on the high school campus[es] during the school day only during the student's designated lunch period or if there is an emergency or permission has been granted to the student by the building administrator to use a motor vehicle during the school day.

V. STUDENT PARKING OF MOTOR VEHICLES IN SWWC LOCATIONS

A. Students are permitted to park in an SWWC location as a matter of privilege, not of right. Students driving a motor vehicle to a high school campus may park the motor vehicle in the parking lot designated for student parking only. Students will not park vehicles in driveways, on private property, or in [other designated areas, e.g. parking lots designated for use only by staff or by the general public].

B. When there are unauthorized vehicles parked on SWWC property, Service Cooperative officials may:

1. move the vehicle or require the driver or other person in charge of the vehicle to move it off SWWC property; or

2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of SWWC property.

VI. PATROLS, INSPECTIONS AND SEARCHES

SWWC officials may conduct routine patrols of SWWC locations and routine inspections of the exteriors of the motor vehicles of students. In addition, the interiors of motor vehicles of students in SWWC locations may be searched when SWWC officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule.

A. Patrols and Inspections

SWWC officials may conduct routine patrols of student parking lots and other SWWC locations and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

B. Search of Interior of Student Motor Vehicle

The interiors of motor vehicles of students in SWWC locations, including glove or trunk compartments, may be searched when SWWC officials have a reasonable suspicion that the search will uncover a violation of law and/or SWWC policy or rule. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to withdrawal of parking privileges and to discipline if the student refuses to open a locked motor vehicle under the student's control or its

compartments upon the request of a SWWC official.

C. Prohibition of Contraband and Interference with Patrols, Inspections, Searches and/or Seizures

A violation of this policy occurs when students store or carry contraband in motor vehicles in SWWC location or interfere with patrols, inspections, searches and/or seizures as provided by this policy.

D. Seizure of Contraband

If a search yields contraband, school officials will seize the item and may turn it over to legal officials for ultimate disposition when appropriate.

E. Dissemination of Policy

A copy of this policy will be printed in the student handbook or disseminated in any other way which SWWC officials deem appropriate.

VII. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to withdrawal of parking privileges and/or to discipline in accordance with the SWWC Student Discipline Policy, which may include suspension, exclusion, or expulsion. In addition, the student may be referred to legal officials when appropriate.

Legal References: U. S. Const., amend. IV
Minn. Const., art. I, §10
Minn. Stat. § 123B.02, Subds. 1 and 5 (General Powers of Independent School Districts)
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)

Cross References: SWWC Policy 417 (Chemical Use and Abuse)
SWWC Policy 418 (Drug-Free Workplace/Drug-Free School)
SWWC Policy 501 (School Weapons Policy)
SWWC Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
SWWC Policy 506 (Student Discipline)

528 STUDENT PARENTAL, FAMILY, AND MARITAL STATUS NONDISCRIMINATION

I. PURPOSE

Students are protected from discrimination on the basis of sex and marital status pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. This includes discrimination on the basis of pregnancy. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the grounds of sex, parental, family, or marital status.

II. GENERAL STATEMENT OF POLICY

A. SWWC provides equal educational opportunity for all students, and will not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

B. SWWC will not discriminate against any student, or exclude any student from its education program on the basis of such students' pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program of the recipient.

C. SWWC may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

D. SWWC will ensure that any separate and voluntary instructional program is comparable to that offered to non-pregnant students.

E. It is the responsibility of every SWWC employee to comply with this policy.

F. SWWC has designated Abby Polzine [Director of Human Resources, SWWC, 1420 East College Drive, Marshall, MN 56258, Phone: 507-537-2258] as its Title IX coordinator. This employee coordinates SWWC efforts to comply with and carry out its responsibilities under Title IX.

G. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the Executive Director or the SWWC Human Rights Officer.

H. Any reports of unlawful discrimination under this policy will be handled, investigated and acted upon in the manner specified in Policy 522 – Student Sex Nondiscrimination.

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

Cross References: SWWC Policy 102 (Equal Educational Opportunity)
SWWC Policy 413 (Harassment and Violence)
SWWC Policy 522 (Student Sex Nondiscrimination)

530 IMMUNIZATION REQUIREMENTS

I. PURPOSE

The purpose of this policy is to require that all students receive the proper immunizations as mandated by law to ensure the health and safety of all students.

II. GENERAL STATEMENT OF POLICY

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

III. STUDENT IMMUNIZATION REQUIREMENTS

A. No student may be enrolled or remain enrolled, on a full-time, part-time, or shared-time basis, in any elementary or secondary school within SWWC until the student or the student's parent or guardian has submitted to the designated SWWC administrator the required proof of immunization. Prior to the student's first date of attendance, the student or the student's parent or guardian shall provide to the designated SWWC administrator one of the following statements:

1. a statement, from a physician, advanced practice registered nurse, physician assistant or a public clinic which provides immunizations (hereinafter "medical statement"), affirming that the student received the immunizations required by law, consistent with medically acceptable standards; or

2. a medical statement affirming that the student received the primary schedule of immunizations required by law and has commenced a schedule of the remaining required immunizations, indicating the month and year each immunization was administered, consistent with medically acceptable standards.

B. The statement of a parent or guardian of a student or an emancipated student may be substituted for the medical statement. If such a statement is substituted, this statement must indicate the month and year each immunization was administered. Upon request, the designated SWWC administrator will provide information to the parent or guardian of a student or an emancipated student of the dosages required for each vaccine according to the age of the student.

C. The parent or guardian of persons receiving instruction in a home school shall submit one of the statements set forth in Section III.A. or III.B., above, or statement of immunization set forth in Section IV., below, to the superintendent of the school district by October 1the first year of their home schooling in Minnesota and the grade 7 year.

D. When there is evidence of the presence of a communicable disease, or when required by any state or federal agency and/or state or federal law, students and/or their parents or guardians may be required to submit such other health care data as is necessary to ensure that the student has received any necessary immunizations and/or is free of any communicable diseases. No student may be enrolled or remain enrolled in any elementary or secondary school within SWWC until the student or the student's parent or guardian has submitted the required data.

E. SWWC may allow a student transferring into a school a maximum of 30 days to submit a statement specified in Section III.A. or III.B., above, or Section IV., below. Students who do not provide the appropriate proof of immunization or the required documentation related to an applicable exemption of the student from the required immunization within the specified time frames shall be excluded from school until such time as the appropriate proof of immunizations or exemption documentation has been provided.

F. If a person who is not a Minnesota resident enrolls in SWWC online learning course or program that delivers instruction to the person only by computer and does not provide any teacher or instructor contact time or require classroom attendance, the person is not subject to the immunization, statement, and other requirements of this policy.

IV. EXEMPTIONS FROM IMMUNIZATION REQUIREMENTS

Students will be exempt from the foregoing immunization requirements under the following circumstances:

A. The parent or guardian of a minor student or an emancipated student submits a signed medical statement stating that the immunization of the student is contraindicated for medical reasons or that laboratory confirmation of the presence of adequate immunity exists; or

B. The parent or guardian of a minor student or an emancipated student submits his or her notarized statement stating the student has not been immunized because of the conscientiously held beliefs of the parent, guardian or student.

V. NOTICE OF IMMUNIZATION REQUIREMENTS

A. SWWC will develop and implement a procedure to:

1. notify parents and students of the immunization and exemption requirements by use of a form approved by the Department of Health;

2. notify parents and students of the consequences for failure to provide required documentation regarding immunizations;

3. review student health records to determine whether the required information has been provided; and

4. make reasonable arrangements to send a student home when the

immunization requirements have not been met and advise the student and/or the student's parent or guardian of the conditions for re-enrollment.

B. The notice provided shall contain written information describing the exemptions from immunization as permitted by law. The notice shall be in a font size at least equal to the font size and style as the immunization requirements and on the same page as the immunization requirements.

VI. IMMUNIZATION RECORDS

A. SWWC will maintain a file containing the immunization records for each student in attendance at the school district for at least five years after the student attains the age of majority.

B. Upon request, SWWC may exchange immunization data with persons or agencies providing services on behalf of the student. Immunization data is private student data and disclosure of such data shall be governed by Policy 515 Protection and Privacy of Pupil Records.

C. The designated SWWC administrator will assist a student and/or the student's parent or guardian in the transfer of the student's immunization file to the student's new school within 30 days of the student's transfer.

D. Upon request of a public or private post-secondary educational institution, the designated SWWC administrator will assist in the transfer of the student's immunization file to the post-secondary educational institution.

VII. OTHER

Within 60 days of the commencement of each new school term, SWWC will forward a report to the Commissioner of the Department of Education stating the number of students attending each school in ISD 991, including the number of students receiving instruction in a home school, the number of students who have not been immunized, and the number of students who received an exemption. SWWC also will forward a copy of all exemption statements received by the school district to the Commissioner of the Department of Health.

Legal References:
Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.15 (Health Standards; Immunizations; School Children)
Minn. Stat. § 121A.17 (School Board Responsibilities)
Minn. Stat. § 144.29 (Health Records; Children of School Age)
Minn. Stat. § 144.3351 (Immunization Data)
Minn. Stat. § 144.441 (Tuberculosis Screening in Schools)
Minn. Stat. § 144.442 (Testing in Schools)
Minn. Rules Parts 4604.0100-4604.1020 (Immunization)
McCarthy v. Ozark Sch. Dist., 359 F.3d 1029 (8th Cir. 2004)
Op. Atty. Gen. 169-W (Jan. 17, 1968)
Op. Atty. Gen. 169-W (July 23, 1980)

Cross References: SWWC Policy 515 (Protection and Privacy of Pupil Records)

SOUTHWEST WEST CENTRAL SERVICE COOPERATIVE

SWWC

Education & Administrative Resources

Immunizations

Dear Parent:

Our records show your child is missing immunizations. In order for your child to remain enrolled, we must receive proof that he/she has received immunization against a number of diseases as required by state law or that he/she qualifies for one of the statutory exceptions. By this letter, we wish to verify that our records concerning your child are accurate and complete.

Please submit documentation to the school from a physician or a public clinic verifying that your child has received the required immunizations, consistent with medically acceptable standards. By state law, we cannot allow your child to stay in school unless we have received proof that he/she has had the required immunizations or has satisfied one of the statutorily recognized exceptions.

If you cannot submit a statement from a physician or public clinic regarding your child's status, you may submit your own statement detailing the precise dosages given for each required immunization and the month and year each immunization was given. If you elect to submit your own statement in lieu of one from a health care provider, please contact the school to determine the precise vaccinations required for your child, as the requirements vary according to the child's age.

If you are claiming an exception for medical reasons that an immunization is contraindicated or because of your conscientiously held beliefs, you must either submit a statement from a physician stating the immunization is contraindicated or you must submit a notarized statement, signed by you as the parent/guardian, or if the student is an emancipated person by the emancipated person, stating that the student has not been immunized because of conscientiously held beliefs. The enclosed form may be used for this purpose.

If you have already submitted a statement to us, please indicate how the statement was submitted (i.e. hand-delivered, mailed), when it was delivered and to whom. It may be necessary for you to obtain a duplicate statement if the original cannot be found. If additional time to obtain a duplicate is required, please so indicate in your response.

If we do not receive proof of immunization or exception, your child will be sent home from school and discharged from enrollment. It will then be necessary for you to re-enroll the child after immunization requirements have been met before the child can return to school. If you have any questions, please contact the school.

Thank you for your cooperation.

Tori Dengerud
SWWC Licensed School Nurse
tori.dengerud@swwc.org

SAMPLE LETTER A

[TO BE PLACED ON SCHOOL DISTRICT STATIONERY]

[date]

[Parent(s)]
[Address]

Re: Immunizations

Dear Parent:

As you know, school begins on [date]. Before your child, [name of child], can be enrolled, however, we must receive proof that he/she has received immunization against a number of diseases as required by state law or is excepted therefrom. To date, we have no immunization records for your child nor a claim of exception.

Please complete the enclosed form verifying that [name of child] has received the required immunizations, consistent with medically acceptable standards and return the form to [name of school official], *before school begins*. By state law, we cannot allow [name of child] to stay in school longer than thirty days unless we have received proof that he/she has had the required immunizations or is excepted therefrom.

If you cannot submit a statement from a physician or public clinic regarding your elementary or secondary school child, you may submit your own statement on the enclosed form detailing the precise dosages given for each required immunization and the month and year each immunization was given. If you elect to submit your own statement in lieu of one from a health care provider, please contact [name of school official] at [telephone number] to determine the precise vaccinations required for your child, as the requirements vary according to the child's age.

If you are claiming an exception for medical reasons that an immunization is contraindicated or because of your conscientiously held beliefs, you must either submit a statement from a physician stating the immunization is contraindicated or you must submit a notarized statement, signed by you as the parent/guardian, or if the student is an emancipated person, by the emancipated person, stating that the student has not been immunized because of conscientiously held beliefs. The enclosed form may be used for this purpose.

If we do not receive proof of immunization or exception by [date], your child will be sent home from school and discharged from enrollment. It will then be necessary for you to re-enroll the child after immunization requirements have been met before the child can return to school. If you have any questions, please contact [name of school official] at [telephone number].

Thank you for your cooperation.

Very truly yours,

[School District Official]

SAMPLE LETTER B

[TO BE PLACED ON SCHOOL DISTRICT STATIONERY]
[date]

[Parent(s)]
[Address]

Re: Immunizations

Dear Parent:

As you know, school began today. To date, we have no immunization records for your child nor any record of a request for an exception. In order for your child, [name of child], to remain enrolled, we must receive proof that he/she has received immunization against a number of diseases as required by state law or that he/she qualifies for one of the statutory exceptions. By this letter, we wish to verify that our records concerning your child are accurate and complete.

Please submit a statement on the enclosed form to [name of school official] from a physician or a public clinic verifying that [name of child] has received the required immunizations, consistent with medically acceptable standards. By state law, we cannot allow [name of child] to stay in school unless we have received proof that he/she has had the required immunizations or has satisfied one of the statutorily recognized exceptions.

If you cannot submit a statement from a physician or public clinic regarding your elementary or secondary school child, you may submit your own statement on the enclosed form detailing the precise dosages given for each required immunization and the month and year each immunization was given. If you elect to submit your own statement in lieu of one from a health care provider, please contact [name of school official] at [telephone number] to determine the precise vaccinations required for your child, as the requirements vary according to the child's age.

If you are claiming an exception for medical reasons that an immunization is contraindicated or because of your conscientiously held beliefs, you must either submit a statement from a physician stating the immunization is contraindicated or you must submit a notarized statement, signed by you as the parent/guardian, or if the student is an emancipated person by the emancipated person, stating that the student has not been immunized because of conscientiously held beliefs. The enclosed form may be used for this purpose.

If you have already submitted a statement to us, please indicate how the statement was submitted (i.e. hand-delivered, mailed), when it was delivered and to whom. It may be necessary for you to obtain a duplicate statement if the original cannot be found. If additional time to obtain a duplicate is required, please so indicate in your response.

If we do not receive proof of immunization or exception by [ten school days], your child will be sent home from school and discharged from enrollment. It will then be necessary for you to re-enroll the child after immunization requirements have been met before the child can return to school. If you have any questions, please contact [name of school official] at [telephone number].

Thank you for your cooperation.

Very truly yours,

[School District Official]

SAMPLE LETTER C

[TO BE PLACED ON SCHOOL DISTRICT STATIONERY]

[date]

[Parent(s)]
[Address]

Re: Non-Enrollment for Lack of Immunization Proof

Dear Parent:

We are sending your child, [name of child], home today because we have not yet received proof that he or she has received appropriate immunizations or is excepted therefrom. Minnesota law does not allow us to enroll an elementary or secondary school student without proof that the student has received the required immunizations or is excepted therefrom.

As we advised earlier, State law and School District policy allow for a thirty-day grace period and a ten-day due process period during which your child may attend school. Those grace periods have now expired.

[Name of child] may re-enroll as soon as we have received appropriate proof of immunizations. If you have any questions about the proof or the immunizations required, please contact [name of school official] at [telephone number] as soon as possible.

We look forward to having [name of child] back in school soon.

Very truly yours,

[School District Official]

DISTRICT NOTES:

Previous notices sent on _____ by _____

Phone contacts on _____ by _____

_____ by _____

_____ by _____

Are Your Kids Ready?

Minnesota K-12 Immunization Law

Students are required to receive certain vaccines for school or submit an exemption. This requirement applies for all public, private, online, and home schools in Minnesota. Look for your child's grade in the chart below and see how many total doses of each vaccine are needed for their grade.

Required Immunizations	Kindergarten to Sixth Grade	Seventh Grade to Eleventh Grade	Twelfth Grade
Hepatitis B (Hep B)	3 Doses	3 Doses	3 Doses
Polio (IPV)	4 Doses	4 Doses	4 Doses
Measles, mumps, rubella (MMR)	2 Doses	2 Doses	2 Doses
Varicella (Chickenpox)	2 Doses	2 Doses	2 Doses
Diphtheria, tetanus, and pertussis (DTaP)	5 Doses	5 Doses	5 Doses
Tetanus, diphtheria, and pertussis (Tdap)		1 Dose	1 Dose
Meningococcal ACWY (MenACWY)		1 Dose	2 Doses

Note: The number of doses may be different if your child is behind schedule. If your child has fallen behind on their vaccinations it is not too late to catch-up, talk to their health care provider.

Recommended but not required for school

Influenza (flu), COVID-19, Human Papillomavirus (HPV), Meningococcal B (MenB) and other vaccines are recommended for children to ensure they are fully protected. Talk to your health care provider about when your child should receive these immunizatons. For more information visit CDC: Vaccine Schedules For You and Your Family (www.cdc.gov/vaccines/imz-schedules/index.html).

Tips for parents and guardians

- Make sure your child has received all of the required immunizations before their first day of school or submit an exemption.
- Submit a copy of your child's immunization record to their school. You can get a copy of their record from the clinic or find their record on Find My Immunization Record (www.health.state.mn.us/people/immunize/miic/records.html).
- Please complete the reverse side if your child requires an exemption for medical reasons or if you are opting for a non-medical exemption due to personal beliefs.

Vaccines for Infants, Children, and Adolescents (www.health.state.mn.us/people/immunize/basics/kids.html)

Contact Immunization Program at 651-201-5503 or 1-800-657-3970 for alternate format.
ID# 52799 (08/2024)

DEPARTMENT OF HEALTH

CHILD'S NAME (FIRST, LAST):_____CHILD'S DATE OF BIRTH:_____

Medical and non-medical exemptions

Instructions for documenting medical or non-medical exemptions and history of chickenpox (varicella)

Follow steps 1 and 2 below to document a medical exemption, non-medical exemption, or history of chickenpox.

1. Place an X in the box to indicate a medical or non-medical exemption. If you are exempting your child from more than one vaccine, mark each vaccine you are exempting them from with an X.
2. Obtain signatures for exemptions or history of chickenpox disease.

Required Immunizations	Medical	Non-Medical
Hepatitis B (Hep B)		
Polio (IPV)		
Measles, mumps, rubella (MMR)		
Varicella (Chickenpox)		
Diphtheria, tetanus, and pertussis (DTaP)		
Tetanus, diphtheria, and pertussis (Tdap)		
Meningococcal ACWY (MenACWY)		

Medical exemption: A health care provider must review and sign a medical exemption. A health care provider includes a licensed physician, nurse practitioner, or physician assistant.
By my signature below, I confirm that this child should not receive the vaccines marked with an X in the table for medical reasons (contraindications) or because there is laboratory confirmation that they are already immune.

Signature: _____
(of health care practitioner)

Date: _____

Non-medical exemption: A parent/guardian must sign for a non-medical exemption and the form must be signed and stamped by a notary. A child is not required to have an immunization that is against their parent or guardian's beliefs. Choosing not to vaccinate may put the health of your child or others they are around at risk. Unvaccinated children who are exposed to a vaccine preventable disease may be required to stay home from school and other activities for up to 21 days to protect themselves and others.
By my signature I confirm that this child will not receive the vaccines marked with an X in the table because of my beliefs and I understand that they may be required to remain out of school and other activities for up to 21 days if exposed to a vaccine preventable disease.

Signature:_____Date:_____
(of parent/guardian)

Non-medical exemptions must also be signed and stamped by a notary:

Notary Stamp

This document was acknowledged before me on

_____ (date),

by _____
(name of parent or guardian)

Notary Signature:

_____

State of _____,
County of _____

History of chickenpox (varicella) disease: If a child has previously had chickenpox, they are not required to receive the varicella vaccine. A health care provider must sign this form if the disease happened after Sept. 1, 2010. If the child had chickenpox before Sept. 1, 2010, a parent or guardian may sign this form.
My signature below means that I confirm this child does not need the varicella vaccine because they had chickenpox in the month and year _____
Signature:_____ Date:_____
(of health care practitioner, representative of a public clinic, or parent/ guardian)

531 THE PLEDGE OF ALLEGIANCE

I. PURPOSE

SWWC Board recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. The purpose of this policy is to provide for recitation of the Pledge of Allegiance and instruction in school to help further that end.

II. GENERAL STATEMENT OF POLICY

Students in SWWC shall recite the Pledge of Allegiance to the Flag of the United States of America one or more times each week. The recitation shall be conducted:

A. By each individual classroom teacher or the teacher's designee; or

B. Over a school intercom system by a person designated by the Site Administrator or other person having administrative control over the school.

III. EXCEPTIONS

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 personnel must respect another person's right to make that choice.

IV. INSTRUCTION

Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

Legal References:

Minn. Stat. § 121A.11, Subd. 3 (Pledge of Allegiance)
Minn. Stat. § 121A.11, Subd. 4 (Instruction)

532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF POLICY

SWWC is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all SWWC locations and during all SWWC activities.

In general, all students, including those with IEPs, are subject to the terms of SWWC's discipline safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates SWWC's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

III. DEFINITIONS

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

A. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).

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

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

D. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.

E. The phrase "remove the student from school grounds" is the act of securing the person of a student with an IEP and escorting that student from the SWWC building or SWWC activity at which the student with an IEP is located.

F. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury.

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

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal by Crisis Team

If the behavior of a student with an IEP escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or SWWC property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or SWWC property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal by Police Liaison Officer or Peace Officer

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

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or SWWC property, SWWC personnel may report a crime committed by a student with an IEP to appropriate authorities. If the

SWWC reports a crime committed by a student with an IEP, SWWC personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy, Protection and Privacy of Pupil Records.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

1. In removing a student with an IEP from school grounds, a SWWC Administrator, other crisis team members, or the police liaison officer or other agents of the SWWC, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

2. In removing a student with an IEP from school grounds, police liaison officers and SWWC personnel are further prohibited from engaging in the following conduct:

    a. Corporal punishment prohibited by Minnesota Statutes section 121A.58;

    b. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;

    c. Totally or partially restricting a child's senses as punishment;

    d. Denying or restricting a child's access to equipment and devices such as walkers, wheel chairs, hearing aids, and communication devices that facilitate the child's functioning except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;

    e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes Chapter 260E;

    f. Physical holding (as defined in Minnesota Statutes section 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck,

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

g. Withholding regularly scheduled meals or water; and/or

h. Denying a child access to toilet facilities.

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.

D. Parental Notification

The Site Administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If SWWC seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes section 125A.0942, subdivision 5, and otherwise comply with the requirements of section 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year,

districts must report in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts must report summary data. The summary data must include information about the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References:

20 U.S.C. § 1415(k)(9) (Individuals with Disabilities Education Act (IDEA))
34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)
20 U.S.C. 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
Minn. Stat. *Ch. 13.* (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.67, Subd. 2 (Aversive and Deprivation Procedures)
Minn. Stat. § 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)

Cross References:

SWWC Policy 506 (Student Discipline)
SWWC Policy 507 (Corporal Punishment)
SWWC Policy 515 (Protection and Privacy of Pupil Records)
SWWC Policy 525 (Violence Prevention)
SWWC Policy 806 (Crisis Management Policy)

ADMINISTRATIVE PROCEDURES FOR POLICY 532

RESTRICTIVE PROCEDURES

SWWC promotes the use of positive approaches for behavioral interventions for all students. When restrictive procedures are employed in an emergency situation with any student the SWWC will adhere to the standards and requirements of Minnesota Statutes 125A.094 Restrictive Procedures for Children with Disabilities.

A. **Definitions**

The following terms have the meanings given them.

1. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury or to prevent serious property damage;

2. "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement and where body contact is the only source of physical restraint. The term "physical holding" does not mean physical contact that:
    a) helps a child respond or complete a task;
    b) assists a child without restricting the child's movement;
    c) is needed to administer an authorized health-related service or procedure; or
    d) is needed to physically escort a child when the child does not resist or the child's resistance is minimal;

3. "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately;

4. "Restrictive procedures" means the use of physical holding or seclusion in an emergency;

5. "Seclusion" means confining a child alone in a room from which egress is barred. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

B. **Personnel Development Activities**

Personnel development activities will be provided to SWWC staff and contracted personnel who have routine contact with students and who may use restrictive procedures in the following areas:

1. Positive behavioral interventions;
2. Communicative intent of behaviors;
3. Relationship building;
4. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
5. De-escalation methods;
6. Standards for using restrictive procedures;
7. Obtaining emergency medical assistance;
8. Physiological and psychological impact of physical holding and seclusion;

9. Monitoring and responding to a child's physical signs of distress when physical holding is being used;
10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used.
11. District policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and
12. School-wide programs on positive behavior strategies.

C. **Staff Training Requirements**

Staff who design and use behavioral interventions that include restrictive procedures will complete training in the use of positive approaches as well as restrictive procedures. SWWC will maintain training records, and will identify the content of training, attendees, and training dates.

THOSE AUTHORIZED TO USE RESTRICTIVE PROCEDURES:
The following employee job classifications are authorized and certified to use restrictive procedures:

- Licensed special education teachers
- Licensed school social workers
- Licensed school psychologists
- Other certified/registered educational professionals (Behavior Analysts, Behavior Specialists, Autism Specialists)
- Mental health professionals
- Special Education Paraprofessionals

D. **Restrictive Procedures and Prohibited Procedures**

Restrictive procedures that may be used in emergency situations include seclusion and physical holding.

Prohibited procedures include the following:

1. Corporal Punishment which includes conduct involving: (1) hitting or spanking a person with or without an object; or (2) unreasonable physical force that causes bodily harm or substantial emotional harm under section 121.58;

2. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain;

3. Totally or partially restricting a student's senses as punishment;

4. Presenting an intense sound, light or other sensory stimuli using smell, taste, substance, or spray as punishment;

5. Denying or restricting the student's access to equipment and devices such as wheelchairs, hearing aids or communication boards that facilitate the student's functioning except when temporarily removing the equipment or device as needed to prevent injury to the student or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible;

6. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556;

7. Withholding regularly scheduled meals or water;

8. Denying the student access to bathroom facilities, and/or;

9. Physical holding that restricts or impairs a student's ability to breathe.

E. **Documentation Procedures**

The use of restrictive procedures in emergency situations will be documented in the MDE Special Education Document Upload System and the Restrictive Procedure Reporting Form. SWWC will monitor and review the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee.

The use of restrictive procedures in behavioral intervention plans will be documented in the learner's file. Reviews will be conducted in accordance with the plan. In the case of a student with a disability, due process and documentation requirements will be followed.

Record retention will be in accordance with SWWC policies on student records.

F. **Emergency Situations - Use of Restrictive Procedures**

SWWC shall make reasonable efforts to notify the parent on the same day by phone when restrictive procedures are used in an emergency. If the school is unable to provide same-day notice, notice will be sent by written or electronic means or as otherwise indicated by the parent.

District Administration will receive written notification when restrictive procedures are used in emergency situations. Records will be reviewed annually.

550 SERVICE ANIMALS' ACCESS TO SCHOOL DISTRICT FACILITIES AND AT SCHOOL SPONSORED ACTIVITIES

I. PURPOSE

The purpose of this policy is to prohibit discrimination against individuals with disabilities who require the assistance of a service animal and to ensure compliance with applicable state and federal laws.

II. GENERAL POLICY STATEMENT

SWWC will permit students and/or staff members with disabilities to be accompanied by a "service animal" in its school buildings, classrooms, and school sponsored activities and/or events, subject to the following definitions, exceptions, and requirements.

III. ADVANCE NOTICE OF SERVICE ANIMAL AT SCHOOL AND SCHOOL ACTIVITIES

A. In the interest of efficient administration, an individual with a disability intending to bring a service animal to school or a school sponsored activity is encouraged to provide notice to the SWWC regarding the service animal as early as is practicable and prior to bringing the animal to school or the school activity.

B. If the service animal is to accompany a student or employee on a permanent basis, the employee, student or his or her parent or guardian must submit a written request to obtain permission for a service animal to accompany an individual with a disability to work, school or a school sponsored activity. The written request must be delivered to ADA/504 Coordinator at least ten business days prior to bringing the animal to work, school or the school activity.

1. Such requests must contain documentation of the animal's required immunizations as well as a letter from a licensed veterinarian who has examined the animal within the last 30 days which states that the animal is in good health and does not pose a direct threat to the health and safety of others.

2. At the time of the request, applicants must also provide SWWC assurance that the animal has been treated for and is free of fleas and ticks, is housebroken and is under the control of its handler.

IV. FACTORS WHICH SWWC MAY CONSIDER IN REVIEWING REQUEST

A. Only those service animals which are "required" by an individual with a disability, pursuant to a 504 plan, IEP, or accommodation plan are

permitted to accompany the individual to work, school and/or school sponsored activities.

B. In determining whether the animal qualifies as a service animal, SWWC may not inquire into the nature or extent of the individual's disability. Nor may it require documentation or proof that the animal has been certified, trained, or licensed as a service animal.

C. If such information is not readily apparent, SWWC *may* inquire:

1. if the animal is required because of a disability; and

2. into the work or tasks the animal has been individually trained to perform for the handler.

D. In regards to miniature horses, SWWC will determine whether reasonable modifications in policies, practices or procedures can be made to permit the use of a miniature horse as a service animal in a specific facility. Such determinations will be made on a case by case basis considering the following:

1. the type, size, and weight of the miniature horse and whether the facility can accommodate these features;

2. whether the handler has sufficient control of the miniature horse;

3. whether the miniature horse is housebroken;

4. whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

V. REQUIREMENTS AND RESPONSIBILITIES

A. Each handler is responsible for ensuring that the service animal is harnessed, leashed or tethered so the handler can maintain control of the animal unless (a) the handler is unable to use the harness, leash or tether because of the disability; or (b) the use of such a harness, leash or tether would interfere with the service animal's, safe, effective performance of work or tasks.

1. Under the two exceptions, described above, where the service animal cannot be effectively harnessed, leashed or tethered, the service animal must be otherwise under the handler's control through voice control, signals, or other effective means.

B. All service animals must be kept clean and groomed to avoid shedding and dander.

C. All service animals must be treated for and kept free of fleas and ticks.

D. A handler who is accompanied by a service animal is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, and toileting. Neither SWWC nor its staff will assume such responsibilities.

E. Each handler shall be liable for any and all damage caused by the service animal.

1. Nonetheless, at the time it grants the request for the service animal, SWWC must contact its insurer to inform it of the presence of the service animal on school premises and at school sponsored activities.

F. Individuals with disabilities who are accompanied by a service animal may not be charged extra fees, isolated from individuals without service animals, or treated less favorably than individuals without service animals.

G. If a student or employee notifies SWWC that he or she is allergic to a service animal that is accompanying a partner or trainer, SWWC will consider the available options and attempt to accommodate both individuals. Generally, allergies and fear of animals are not valid reasons for prohibiting the presence of a service animal.

VI. CIRCUMSTANCES UNDER WHICH PERMISSION TO USE SERVICE ANIMAL MAY BE RESCINDED

A. SWWC may require a partner or trainer to remove a service animal from school property, a vehicle that is operated by or on behalf of the school, or a school sponsored event or activity if :

1. the service animal is out of control and the animal's handler does not take effective action to control it;

2. the service animal poses a direct threat to the health and safety of others;

3. the animal is not housebroken;

4. the animal's presence would fundamentally alter the nature of the service, program or activity.

B. If the service animal misbehaves or responds unreasonably to a provocation or injury, SWWC must give the handler a reasonable opportunity to gain control of the animal. If the individual with a disability asserts that the animal was provoked or injured, or if SWWC otherwise has reason to suspect as much, SWWC will seek to determine whether provocation or injury occurred and what steps to take to prevent further provocation or injury.

C. In the event that a service animal needs to be removed, the partner or trainer may choose to remain on school property, in the vehicle operated by or on behalf of SWWC, or at the school sponsored event or activity (as applicable), unless the partner or trainer has violated a law or school regulation that would warrant the removal of the partner or trainer.

VII. NON-SERVICE ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPS) OR SECTION 504 PLANS

If a special education student or a student with a Section 504 plan seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the student's IEP team or Section 504 team, as appropriate, to determine whether the animal is necessary for the student to receive a free appropriate public education (FAPE) or, in the case of a Section 504 student, to reasonably accommodate the student's access to the school district's programs and activities.

VIII. NON-SERVICE ANIMAL AS AN ACCOMMODATION FOR EMPLOYEES

If an employee seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the Executive Director or the administrator designated to handle such requests. A school district employee who is a qualified individual with a disability will be allowed to bring such animal onto school property when it is determined that such use is required to enable the employee to perform the essential functions of his or her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

XII. LIABILITY

A. The owner of the service animal or non-service animal is responsible for any harm or injury to an individual and for any property damage caused by the service animal while on school district property.

B. An individual who, directly or indirectly through statements or conduct, intentionally misrepresents an animal in that person's possession as a service animal may be subject to criminal liability.

Legal References: Section 504 of the Rehabilitation Act of 1973
28 C.F.R. § 35.104, 28 C.F.R. § 35.130(b)(7), and 28 C.F.R. § 35.136 (ADA Regulations)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
Minn. Stat. § 256C.02 (Public Accommodations)
Minn. Stat. § 363A.19 (Discrimination Against Blind, Deaf, or Other Persons with Physical or Sensory Disabilities Prohibited)
Minn. Stat. § 609.226 (Harm Caused by Dog)
Minn. Stat. § 609.833 (Misrepresentation of Service Animal)

Cross References: SWWC Policy 402 (Disability Nondiscrimination Policy)
SWWC Policy 521 (Student Disability Nondiscrimination)

551 DATA REQUEST POLICY FOR SUBJECTS OF DATA

I. PURPOSE

The purpose of this policy is to set forth the procedure for an employee or other individual to inspect or obtain data about that individual or that individual's minor child maintained by the school district and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

II. DEFINITIONS AND CONSTRUCTION

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Minnesota Rules Chapter 1205. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable law or other SWWC policy. Nothing in this policy shall be interpreted to contradict any other school district policy.

III. RIGHT TO ACCESS DATA

Upon request to a responsible authority or designee, an individual shall be informed whether that individual, the individual's minor child or person for whom the individual has been appointed guardian is the subject of stored data and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data shall be shown that public or private data about themselves without any charge and, if desired, shall be informed of the content and meaning of that data. Except as required by law, after an individual has been shown this and informed of its meaning, SWWC need not disclose the data to that individual for six months unless additional data on the individual has been collected or created.

IV. MAKING A DATA REQUEST

To inspect data or request copies of data on the individual that are in SWWC's possession, the individual should make a written request using the form found in Attachment B and submit this request to the appropriate data practices official described in Attachment C. SWWC reserves the right to accept verbal requests for data, or reduce verbal requests to writing, at its sole discretion.

V. PROCESSING A REQUEST

SWWC will respond to a written request submitted pursuant to this policy immediately, if possible, and within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

A. If it is unclear what data the individual is requesting, SWWC will seek clarification.

B. If SWWC does not have the requested data, it will notify the individual in writing as soon as reasonably possible.

C. If SWWC has the requested data, and the data may lawfully be disclosed to the individual, SWWC will respond to the request by doing one of the following:

1. Arrange a date, time, and place for the individual to inspect the data without cost to the individual, or

2. Provide the individual with copies of the data. The individual may choose to pick up the copies, or SWWC will mail or fax copies of the data to the individual. SWWC will provide electronic copies (such as e-mail), only if SWWC keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority. Further information about copying charges is included on Attachment B.

D. If SWWC determines that the requested data is classified so as to deny the requesting person access, SWWC shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible.

1. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

Nothing in this policy or the MGDPA requires SWWC to create data; collect new data; or to provide data in a specific form or arrangement if SWWC does not keep the data in that form or arrangement, in response to a data request.

Nothing in this policy or the MGDPA requires SWWC to respond to questions that are not requests for data.

VI. IDENTIFICATION

SWWC reserves the right to require that an individual requesting private data on the individual or the individual's minor child provide valid photo identification at the time that the data is requested or provided.

SWWC will not disclose private data on anyone other than the individual requesting data or that individual's minor child without receiving a valid release signed by the subject of the data.

VII. RIGHTS OF DATA SUBJECTS

A. Challenging Inaccurate or Incomplete Data

Consistent with the MGDPA, any person who believes that information contained in ISD's records regarding that individual, the individual's minor child, or person over whom the individual has been appointed legal guardian is inaccurate or incomplete may request that SWWC amend

those records. To exercise this right, the individual must notify the responsible authority described in Attachment C in writing of the nature of the disagreement. Upon receiving such notification, SWWC will take action as required by the MGDPA. Please note that the submission of a challenge to data does not guarantee that SWWC will amend its records.

B. Information Provided When Data is Requested by SWWC

Consistent with the MGDPA and other applicable law, certain circumstances may require SWWC to notify an individual who is asked to provide SWWC with private or confidential data concerning that individual of the ways in which SWWC can use the data collected.

C. Other Rights of Data Subjects

Nothing in this policy shall be construed as limiting the rights provided by the MGDPA. Individuals who are the subject of data in the school district's possession have all of the rights afforded by Minnesota Statutes, Section 13.04.

Attachment A

Copy Costs – Data on Individuals

SWWC charges individuals for copies as authorized under Minnesota Statutes, section 13.03, subdivision 3(c). The individual must pay for the copies before SWWC will provide the copies.

For 100 or Fewer Paper Black and White Copies – $.25 per Page

The charge for 100 or fewer pages of black and white, letter or legal size paper copies, is $.25 for a one-sided copy and $.50 for a two-sided copy.

More than 100 Paper Black and White Copies or Other Types of Copies – Actual Cost

The charge for more than 100 pages of black and white paper copies, or any other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data. In determining the actual cost, SWWC includes the cost of the employee time, the cost of the materials (paper, DVD, etc.), and mailing costs (if any). If the request is for copies of data that SWWC cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data and make copies is based upon the lowest hourly rate of the appropriate staff member. There is no charge for time spent separating public from not public data.

Attachment B

Data Request Form – Requests for Data on Individuals

Date of request: _____

Method of Access to Data:
Note: Inspection is free but there is a charge for copies.

Inspection ☐ Copies ☐ Both (inspection and copies) ☐

Description of Requested Information:
Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form or additional pages.

_____
_____
_____
_____
_____
_____
_____

Contact Information:

Name: _____

Address: _____

Phone number: _____

Email address: _____

Verification of Identity:
Driver's License ☐
Other Photo Identification ☐
Personal Knowledge ☐
Photo Identification and ☐
Proof of Relationship (required for requests for data on minors)

Responsible Authority or Designee Signature: _____

Attachment C

Responsible Authorities

Type of Data Requested	Name	Position	Address	Fax Number
Human Resources and Personnel Data	Abby Polzine	Director of Human Resources	1420 East College Drive Marshall, MN 56258	507-537-7663
Student Cumulative File/ Student Disciplinary Records/ Student Special Education Records	Mary Palmer	Senior Director of Special Education	611 SW 5th Street Willmar, MN 56201	320-231-5302

552 DATA REQUEST POLICY FOR PUBLIC DATA

I. PURPOSE

The purpose of this policy is to set forth the procedure regarding a public request to inspect or obtain public data and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

II. DEFINITIONS AND CONSTRUCTION

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Rules Chapter 1205. Nothing in this policy shall be interpreted to contradict any other SWWC policy.

III. RIGHT TO ACCESS PUBLIC DATA

All data collected, created, received, maintained or disseminated by SWWC, which is classified by state statute or federal law as public, shall be accessible to the public pursuant to the procedures established by SWWC in this policy.

IV. MAKING A DATA REQUEST

To inspect data or request copies of public data in SWWC's possession, a person should make a written request using the form found in Attachment B and submit this request to the appropriate data practices official or designee described in Attachment C. SWWC reserves the right to accept verbal requests for data or reduce verbal requests to writing, at its sole discretion.

V. PROCESSING A REQUEST

Upon receipt of a written request, SWWC will process it within a reasonable time, depending upon the nature and volume of the request. If the response to a request will take longer than fifteen (15) business days and the requester has provided contact information, SWWC may notify the person of the approximate amount of time it will take to process the request.

A. If it is unclear what data the individual is requesting, SWWC will seek clarification.

B. If SWWC does not have the data, it will notify the person in writing as soon as reasonably possible.

C. If SWWC has the data, and the data may lawfully be disclosed to the person, the school district will respond to the request by doing one of the following:

1. Arrange a date, time, and place for the person to inspect the data without cost to the person, or

2. Provide the person with copies of the data. The person may choose to pick up the copies, or SWWC will mail or fax copies of the data to the person. SWWC will provide electronic copies (such as e-mail), only if SWWC keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority. Further information about copy charges is included on Attachment B.

3. Upon request, SWWC will inform the requester as to the meaning of any data disclosed pursuant to this policy.

D. If SWWC determines that the requested data is classified so as to deny the requesting person access, SWWC shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible.

1. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

Nothing in this policy or the MGDPA requires SWWC to create data; collect new data; or to provide data in a specific form or arrangement if SWWC does not keep the data in that form or arrangement, in response to a data request.

Nothing in this policy or the MGDPA requires SWWC to respond to questions that are not requests for data.

Attachment A

Copy Costs –Public Requests

SWWC charges members of the public for copies of government data as authorized under Minnesota Statutes, section 13.03, subdivision 3(c). A member of the public must pay for the copies before the school district will provide the copies.

For 100 or Fewer Paper Black and White Copies – $.25 per Page

The charge for 100 or fewer pages of black and white, letter or legal size paper copies, is $.25 for a one-sided copy and $.50 for a two-sided copy.

More than 100 Paper Black and White Copies or Other Types of Copies – Actual Cost

The charge for more than 100 pages of black and white paper copies, or any other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data.

SWWC charges the actual cost of preparing summary data. Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals.

In determining the actual cost, SWWC includes the cost of the employee time, the cost of the materials (paper, DVD, etc.), and mailing costs (if any). If the request is for copies of data that SWWC cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data and make copies is based upon the lowest hourly rate of the appropriate staff member. There is no charge for time spent separating public from not public data.

If the request involves copies of public data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by SWWC, the responsible authority may charge a reasonable fee for the information in addition to the costs of making and certifying the copies. Any fee charged must relate to the actual development costs of the information. The responsible authority, upon the request, shall provide sufficient documentation to explain and justify the fee being charged.

Attachment B

Data Request Form –Requests for Public DATA

Date of request: _____

Method of Access to Data:
Note: Inspection is free but there is a charge for copies.

Inspection ☐ Copies ☐ Both (inspection and copies) ☐

Description of Requested Information:
Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form or additional pages.

_____
_____
_____
_____
_____
_____

Contact Information:

Name: _____

Address: _____

Phone number: _____

Email address: _____

You do not have to provide any of the above contact information. However, if you want SWWC to mail or e-mail you copies of data, SWWC will need some contact information. In addition, failure to provide contact information could delay the processing of your request. If SWWC does not understand your request and needs to get clarification from you, without contact information, SWWC may not be able to process all, or a portion of, your request until you contact the school district again.

Attachment C

Responsible Authorities

Type of Data Requested	Name	Position	Address	Fax Number
General Public Data	Cliff Carmody	Executive Director	100 London Road Marshall, MN 56258	507-537-7663
Public Financial Data	Tegan Gillund	Director of Finance	100 London Road Marshall, MN 56258	507-537-7663
Public Personnel Data	Kari Bailey	Director of Human Resources	100 London Road Marshall, MN 56258	507-537-7663

553 SUICIDE PREVENTION

I. PURPOSE

The purpose of this policy is to protect the health and well-being of all district students by having procedures in place to prevent, assess the risk of, intervene in, and respond to a suicide.

II. GENERAL STATEMENT OF POLICY

The district:

(a) recognizes that physical, behavioral, and emotional health is an integral component of a student's educational outcomes,
(b) Further recognizes that suicide is a leading cause of death among young people,
(c) has ethical responsibility to take a proactive approach in preventing deaths by suicide, and
(d) acknowledges the school's role in providing an environment which is sensitive to individual and societal factors that place youth at greater risk for suicide and one which helps to foster positive youth development.

Toward this end, the policy is meant to be paired with other policies, supporting the emotional and behavioral health of students more broadly. Specifically, this policy is meant to be applied in accordance with the districts Child Find obligations.

III. DEFINITIONS

A. <u>At Risk</u>
A student who is defined as high risk for suicide is one who has made a suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or deterioration of a mental health condition. The student may have thought about suicide including potential means of death and may have a plan in addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain. This situation would necessitate a referral as documented in the following procedures.

B. <u>Crisis Team</u>
A multidisciplinary team of primarily administrative, mental health, safety professionals, and support staff whose primary focus is to address crisis preparedness, intervention/response and recovery. These professionals take the leadership role in developing crisis plans, ensure school staff can effectively execute various crisis protocols and may provide mental health services for effective crisis interventions and recovery supports.

C. <u>Mental Health</u>
A state of mental and emotional being that can impact choices and actions that affect wellness. Mental health problems include mental and substance use disorders.

D. Postvention

Suicide postvention is a crisis intervention strategy designed to reduce the risk of suicide and suicide contagion, provide the support needed to help survivors cope with a suicide death, address the social stigma associated with suicide, and disseminate factual information after the suicide death of a member of the school community.

E Risk Assessment

An evaluation of a student who may be at risk for suicide, conducted by the appropriate school staff (e.g., school psychologist, school counselor, or school social worker). This assessment is designed to elicit information regarding the student's intent to die by suicide, previous history of suicide attempts, presence of a suicide plan and its level of lethality and availability, presence of support systems, and level of hopeless ness and helplessness, mental status, and other relevant risk factors. A student who is defined as high risk for suicide is one who has made a suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or deterioration of a mental health condition. The student may have thought about suicide including potential means of death and may have a plan in addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain. This situation would necessitate a referral as documented in the following procedures.

F. Risk Factors for Suicide

Characteristics or conditions that increase the chance that a person may try to take his or her life. Suicide risk tends to be highest when someone has several risk factors at the same time. Risk factors may encompass biological, psychological, and or social factors in the individual, family, and environment.

G. Self-harm

Behavior that is self-directed and deliberately results in injury or the potential for injury to oneself. Can be categorized as either non-suicidal or suicidal. Although self-harm often lacks suicidal intent, youth who engage in self-harm are more likely to attempt suicide.

H. Suicide

Death caused by self-directed injurious behavior with any intent to die as a result of the behavior. Note: The coroner's or medical examiner's office must first confirm that the death was a suicide before any school official may state this as the cause of death.

I. Suicide Attempt

A self-injurious behavior for which there is evidence that the person had at least some intent to kill himself or herself. A suicide attempt may result in death, injuries, or no injuries. A mixture of ambivalent feelings such as wish to die and desire to live is a common experience with most suicide attempts. Therefore, ambivalence is not a sign of a less serious or less dangerous suicide attempt.

J. Suicidal Behavior
Suicide attempts, intentional injury to self-associated with at least some level of intent, developing a plan or strategy for suicide, gathering the means for a suicide plan, or any other overt action or thought indicating intent to end one's life.

K. Suicide Contagion
The process by which suicidal behavior or a suicide influences an increase in the suicidal behaviors of others. Guilt, identification, and modeling are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides.

L. Suicide Ideation
Thinking about, considering, or planning for self-injurious behavior which may result in death. A desire to be dead without a plan or intent to end one's life is still considered suicidal ideation and should be taken seriously.

IV. SCOPE

This policy covers actions that take place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and at school sponsored out-of-school events where school staff are present. This policy applies to the entire school community, including educators, school and district staff, students, parent/guardians, and volunteers. This policy will also cover appropriate school responses to suicidal or high risk behaviors that take place outside the school environment.

V. OVERALL STRATEGIC PLAN FOR SUICIDE PREVENTION

A. The Executive Director or Designee shall involve school-employed mental health professionals (e.g., school counselors, psychologists, social workers, nurses), administrators, other school staff members, parents/guardians/caregivers, students, local health agencies and professionals, law enforcement, and community organizations in planning, implementing, and evaluating the district's strategies for suicide prevention and intervention. Districts must work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.

B. To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, the district shall appoint an individual (or team) to serve as the suicide prevention point of contact for the district. In addition, each school principal shall identify at least one staff member to serve as the liaison to the district's suicide prevention point of contact, and coordinate and implement suicide prevention activities on their specific campus. This policy shall be reviewed and revised as indicated, at least annually in conjunction with the previously mentioned community stakeholders.

VI. PREVENTION

A. Messaging about suicide has an effect on suicidal thinking and behaviors. Consequently, the district along with its partners has critically reviewed

and will continue to review all materials and resources used in awareness efforts to ensure they align with best practices for safe messaging about suicide.

B. Suicide Prevention Training and Education - The district along with its partners has carefully reviewed available staff training to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide. Training shall be provided for all school staff members.

1. At least annually, all staff shall receive training on the risk factors and warning signs of suicide, suicide prevention, intervention, referral, and postvention.

2. All suicide prevention trainings shall be offered under the direction of school-employed mental health professionals (e.g., school counselors, psychologists, or social workers) who have received advanced training specific to suicide and may benefit from collaboration with one or more county and/or community mental health agencies. Staff training can be adjusted year-to-year based on previous professional development activities and emerging best practices.

3. At a minimum, all staff shall participate in training on the core components of suicide prevention (identification of suicide risk factors and warning signs, prevention, intervention, referral, and postvention) at the beginning of their employment. Core components of the general suicide prevention training shall include:

    a) Suicide risk factors, warning signs, and protective factors;
    b) How to talk with a student about thoughts of suicide;
    c) How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment;
    d) Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member;
    e) Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide;
    f) Reviewing the data annually to look for any patterns or trends of the prevalence or occurrence of suicide ideation, attempts, or death. Data from the Pact for Families SHARE survey.

4. In addition to initial orientations to the core components of suicide prevention, ongoing annual staff professional development for all staff should include the following components:

a) The impact of traumatic stress on emotional and mental health;
b) Common misconceptions about suicide;
c) School and community suicide prevention resources;
d) Appropriate messaging about suicide (correct terminology, safe messaging guidelines);
e) The factors associated with suicide (risk factors, warning signs, protective factors);
f) How to identify youth who may be at risk of suicide;
g) Appropriate ways to interact with a youth who is demonstrating emotional distress or is suicidal. Specifically, how to talk with a student about their thoughts of suicide and (based on district guidelines) how to respond to such thinking; how to talk with a student about thoughts of suicide and appropriately respond and provide support based on district guidelines;
h) District-approved procedures for responding to suicide risk (including multi-tiered systems of support and referrals). Such procedures should emphasize that the suicidal student should be constantly supervised until a suicide risk assessment is completed;
i) District-approved procedures for responding to the aftermath of suicidal behavior (suicidal behavior postvention);
j) Responding after a suicide occurs (suicide postvention);
k) Resources regarding youth suicide prevention;
l) Emphasis on stigma reduction and the fact that early prevention and intervention can drastically reduce the risk of suicide;
m) Emphasis that any student who is identified to be at risk of suicide is to be immediately referred (same day) for assessment while being constantly monitored by a staff member.

5. The professional development also shall include additional information regarding groups of students judged by the school, and available research, to be at elevated risk for suicide. These groups include, but are not limited to, the following:

a) Youth affected by suicide;
b) Youth with a history of suicide ideation or attempts;
c) Youth with disabilities, mental illness, or substance abuse disorders;
d) Lesbian, gay, bisexual, transgender, or questioning youth;
e) Youth experiencing homelessness or in out-of-home settings, such as foster care;
f) Youth who have suffered traumatic experiences;

C. Employee Qualifications and Scope of Services - Employees of the district and partners must act only within the authorization and scope of their credential or license. While it is expected that school professionals are able to identify suicide risk factors and warning signs, and to prevent the immediate risk of a suicidal behavior, treatment of suicidal ideation is typically beyond the scope of services offered in the school setting. In addition, treatment of the mental health challenges often associated with suicidal thinking typically requires mental health resources beyond what schools are able to provide.

D. Specialized Staff Training (Assessment) - Additional professional development in suicide risk assessment and crisis intervention shall be provided to mental health professionals (school counselors, psychologists, social workers, and nurses) employed by the district.

E. Parents, Guardians, and Caregivers Participation and Education

1. To the extent possible, parents/guardians/caregivers should be included in all suicide prevention efforts. At a minimum, schools shall share with parents/guardians/caregivers the district suicide prevention policy and procedures.

2. This suicide prevention policy shall be displayed on the district Web page and a summary of this policy will included in the student/parent handbook.

3. All parents/guardians/caregivers should have access to suicide prevention information that addresses the following:

   a) Suicide risk factors, warning signs, and protective factors;
   b) How to talk with a student about thoughts of suicide;
   c) How to respond appropriately to the student who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and referral for an immediate suicide risk assessment.

F. Student Participation and Education - The district along with its partners has carefully reviewed available student curricula to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.

G. Under the supervision of school-employed mental health professionals, and following consultation with county and community mental health agencies, students shall:

1. Receive developmentally appropriate, student-centered education about the warning signs of mental health challenges and emotional distress;

2. Receive developmentally appropriate guidance regarding the district’s suicide prevention, intervention, and referral procedures.

3. The content of the education shall include:

   a) Coping strategies for dealing with stress and trauma;
   b) How to recognize behaviors (warning signs) and life issues (risk factors) associated with suicide and mental health issues in oneself and others;
   c) Help-seeking strategies for oneself and others, including how to engage school-based and community resources and refer peers for help;
   d) Emphasis on reducing the stigma associated with mental illness and the fact that early prevention and intervention can drastically reduce the risk of suicide.

4. Student-focused suicide prevention education can be incorporated into classroom curricula (e.g., health classes, science, and physical education).

5. The district will support the creation and implementation of programs and/or activities on campus that raise awareness about mental wellness and suicide prevention (e.g., Mental Health Awareness Weeks, Peer Counseling Programs, and National Alliance on Mental Illness).

VI. INTERVENTION, ASSESSMENT, REFERRAL

A. Two district staff members who have received advanced training in suicide intervention shall be designated as the primary and secondary suicide prevention liaisons. Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary designated suicide prevention liaison. If this primary suicide prevention liaison is unavailable, the staff shall promptly notify the secondary suicide prevention liaison.

B. Under normal circumstances, the primary and/or secondary contact persons shall notify the principal, another school administrator, school psychologist or school counselor, if different from the primary and secondary contact persons. The names, titles, and contact information of multi-disciplinary crisis team members shall be distributed to all students, staff, parents/guardians/caregivers and be prominently available on school and district Web site. Primary contact person: Abby Polzine, Human Resources Supervisor. Secondary contact person: Elizabeth Sullivan, Compensation and Benefits Supervisor.

C. The principal, another school administrator, school counselor, school psychologist, social worker, or nurse shall then notify, if appropriate and in the best interest of the student, the student's parents/guardians/caregivers as soon as possible and shall refer the student to mental health resources in the school or community. Determination of notification to parents/guardians/caregivers should

follow a formal initial assessment to ensure that the student is not endangered by parental notification.

D. If the student is in imminent danger (has access to a gun, is on a rooftop, or in other unsafe conditions), a call shall be made to 911.

E. Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary or secondary suicide prevention liaisons.

F. Students experiencing suicidal ideation shall not be left unsupervised.

G. A referral process should be prominently disseminated to all staff members, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.

H. The Superintendent or Designee shall establish crisis intervention procedures to ensure student safety and appropriate communications if a suicide occurs or an attempt is made by a student or adult on campus or at a school-sponsored activity.

I. A referral process should be prominently disseminated to all parents/guardians/caregivers, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.

J. Students shall be encouraged to notify a staff member when they are experiencing emotional distress or suicidal ideation, or when they suspect or have knowledge of another student's emotional distress, suicidal ideation, or attempt.

K. Each school within the district shall identify a process to ensure continuing care for the student identified to be at risk of suicide. The following steps should be followed to ensure continuity of care:

1. After a referral is made for a student, school staff shall verify with the parent/guardian/caregiver that follow-up treatment has been accessed. Parents/guardians/caregivers will be required to provide documentation of care for the student.

2. If parents/guardians/caregivers refuse or neglect to access treatment for a student who has been identified to be at-risk for suicide or in emotional distress, the suicide point of contact (or other appropriate school staff member) will meet with the parents/guardians/caregivers to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of the importance of care. If follow-up care for the student is still not provided, school staff should consider contacting Child Protective Services (CPS) to report neglect of the youth.

VII. ACTION PLAN FOR IN-SCHOOL SUICIDE ATTEMPTS

A. If a suicide attempt is made during the school day on campus, it is important to remember that the health and safety of the student and those around him/her is critical. The following steps should be implemented:

1. Remain calm, remember the student is overwhelmed, confused, and emotionally distressed;

2. Move all other students out of the immediate area;

3. Immediately contact the administrator or suicide prevention liaison;

4. Call 911 and give them as much information about any suicide note, medications taken, and access to weapons, if applicable;

5. If needed, provide medical first aid until a medical professional is available;

6. Parents/guardians/caregivers should be contacted as soon as possible;

7. Do not send the student away or leave them alone, even if they need to go to the restroom;

8. Listen and prompt the student to talk;

9. Review options and resources of people who can help;

10. Be comfortable with moments of silence as you and the student will need time to process the situation;

11. Provide comfort to the student;

12. Promise privacy and help, and be respectful, but do not promise confidentiality;

13. Student should only be released to parents/guardians/caregivers or to a person who is qualified and trained to provide help.

VIII. ACTION PLAN FOR OUT-OF-SCHOOL SUICIDE ATTEMPTS

A. If a suicide attempt by a student is outside of district property, it is crucial that the LEA protects the privacy of the student and maintain a confidential record of the actions taken to intervene, support, and protect the student. The following steps should be implemented:

1. Contact the parents/guardians/caregivers and offer support to the family;

2. Discuss with the family how they would like the school to respond to the attempt while minimizing widespread rumors among teachers, staff, and students;

3. Obtain permission from the parents/guardians/caregivers to share information to ensure the facts regarding the crisis is correct;

4. Designate a staff member to handle media requests;

5. Provide care and determine appropriate support to affected students;

6. Offer to the student and parents/guardians/caregivers steps for re-integration to school.

IX. SUPPORTING STUDENTS AFTER A MENTAL HEALTH CRISIS

A. It is crucial that careful steps are taken to help provide the mental health support for the student and to monitor their actions for any signs of suicide. The following steps should be implemented after the crisis has happened:

1. Treat every threat with seriousness and approach with a calm manner; make the student a priority;

2. Listen actively and non-judgmental to the student. Let the student express his or her feelings;

3. Acknowledge the feelings and do not argue with the student;

4. Offer hope and let the student know they are safe and that help is provided. Do not promise confidentiality or cause stress;

5. Explain calmly and get the student to a trained professional, guidance counselor, or designated staff to further support the student;

6. Keep close contact with the parents/guardians/caregivers and mental health professionals working with the student.

X. RE-ENTRY TO SCHOOL AFTER A SUICIDE ATTEMPT

A. A student who threatened or attempted suicide is at a higher risk for suicide in the months following the crisis. Having a streamlined and well planned re-entry process ensures the safety and wellbeing of students

who have previously attempted suicide and reduces the risk of another attempt. An appropriate re-entry process is an important component of suicide prevention. Involving students in planning for their return to school provides them with a sense of control, personal responsibility, and empowerment.

B. The following steps shall be implemented upon re-entry:

1. Obtain a written release of information signed by parents/guardians/caregivers and providers;

2. Confer with student and parents/guardians/caregivers about any specific requests on how to handle the situation;

3. Inform the student's teachers about possible days of absences;

4. Allow accommodations for student to make up work (be understanding that missed assignments may add stress to student);

5. Mental health professionals or trusted staff members should maintain ongoing contact to monitor student's actions and mood;

6. Work with parents/guardians/caregivers to involve the student in an aftercare plan.

XI. RESPONDING AFTER A SUICIDE DEATH (Postvention)

A. A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, it is vital that we are prepared ahead of time in the event of such a tragedy. The primary and secondary Suicide Prevention Liaison shall ensure that each school site adopts an action plan for responding to a suicide death as part of the general Crisis Response Plan. The Suicide Death Response Action Plan (Suicide Postvention Response Plan) needs to incorporate both immediate and long-term steps and objectives
.

B. Suicide Postvention Response Plan shall:

1. Identify a staff member to confirm death and cause (school site administrator);

2. Identify a staff member to contact deceased's family (within 24 hours);

3. Enact the Suicide Postvention Response Plan, include an initial meeting of the district/school Suicide Postvention Response Team;

4. Notify all staff members (ideally in-person or via phone, not via e-mail or mass notification).

C. Coordinate an all-staff meeting, to include:

1. Notification (if not already conducted) to staff about suicide death;

2. Emotional support and resources available to staff;

3. Notification to students about suicide death and the availability of support services (if this is the protocol that is decided by administration);

4. Share information that is relevant and that which you have permission to disclose.

D. Prepare staff to respond to needs of students regarding the following:

1. Review of protocols for referring students for support/assessment;

2. Talking points for staff to notify students;

3. Resources available to students (on and off campus).

E. Identify students significantly affected by suicide death and other students at risk of imitative behavior.

F. Identify students affected by suicide death but not at risk of imitative behavior.

G. Communicate with the larger school community about the suicide death.

H. Consider excusing absences for funeral arrangements for family and school community.

I. Respond to memorial requests in respectful and non-harmful manner; responses should be handed in a thoughtful way and their impact on other students should be considered. This district will not create on-campus physical memorials. The district will follow the uniform practice of memorials in consultation with the family.

J. Identify media spokesperson skilled to cover story without the use of explicit, graphic, or dramatic content (go to the Reporting on Suicide.Org Web site at www.reportingonsuicide.org). Research has proven that

sensationalized media coverage can lead to contagious suicidal behaviors.

K. Utilize and respond to social media outlets:

1. Identify what platforms students are using to respond to suicide death.

2. Identify/train staff and students to monitor social media outlets.

L. Include long-term suicide postvention responses:

1. Consider important dates (i.e., anniversary of death, deceased birthday, graduation, or other significant event) and how these will be addressed;

2. Support siblings, close friends, teachers, and/or students of deceased;

3. Consider long-term memorials and how they may impact students who are emotionally vulnerable and at risk of suicide.

XII. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students at the office of the Superintendent.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
Minn. Stat. § 363A.42 (Public Records; Accessibility)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)

Cross References: MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records—Privacy—Access to Data)
SWWC Policy 806 (Crisis Management)
SWWC Policy 515 (Protection and Privacy of Pupil Records)
SWWC Policy 519 (Interviews of Students by Outside Agencies)

Resources: Uniform Practice of 'Honoring' New London-Spicer Students Who Have Died While Attending New London-Spicer Schools
Kognito At-Risk is an evidence-based series of three online interactive professional development modules designed for use by individuals, schools, districts, and statewide agencies. It includes tools and templates to ensure that the program is easy to disseminate and measures success at the elementary, middle, and high school levels. See the Kognito Web page at https://www.kognito.com/products/pk12/

Parents as Partners: A Suicide Prevention Guide for Parents is a booklet that contains useful information for parents/guardians/caregivers who are

concerned that their children may be at risk for suicide. It is available from Suicide Awareness Voices of Education (SAVE). See the SAVE Web page at https://www.save.org/product/parents-as-partners/