Duluth Public Schools
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Duluth, MN 55811
www.isd709.org

Student HANDBOOK 2026-2027

Duluth
Public Schools

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Strategic Plan

Shaped by input from our students, staff, families, and community members, the Duluth Public Schools Strategic Plan serves as our continuous roadmap for system-wide improvement. This comprehensive framework focuses on elevating student outcomes through a three-year operational plan, a school board plan, and a structured progress monitoring schedule. Below, you will find the foundational mission, vision, core values, and strategic directions that guide our district's daily work.

MISSION

Every student, every day will be empowered with learning opportunities for growth, creativity and curiosity, in preparation for their future in a global community.

VISION

Duluth Public Schools provides an academically engaging, safe and inclusive environment with high expectations and responsible use of resources.

CORE VALUES

Learning: Developing a love of learning through life-long inquiry.

Excellence: Having high standards for all through accountability, integrity and authenticity.

Equity: Creating conditions of justice, fairness and inclusion so all students have access to the opportunities to learn and develop to their fullest potential.

Collaboration: Working in partnership with staff, families, students and community.

Belonging: Providing a welcoming and accessible environment where everyone feels safe, seen and heard.

2026-2027 SCHOOL CALENDAR

AUGUST

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	Flexible Teacher Work Time (8hrs total)				
30	Para PD Day 31	25	26	27	28	29

SEPTEMBER

S	M	T	W	T	F	S
		All Staff PD Day 1	Teacher WD/SD 2	Teacher Work Day 3	4	5
6	Labor Day HOLIDAY 7	Gr. 1-12 First Day 8	9	Grade K First Day 10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	MEA WEEKEND 15	16	17
18	PD Day 19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER

S	M	T	W	T	F	S
1	2	3	4	5	HM 6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	Thanksgiving HOLIDAY/ Recess 26	27	28
29	30					

DECEMBER

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	Teacher PD Day 23	Winter Recess 24	Winter Recess 25	26
27	Winter Recess 28	Winter Recess 29	Winter Recess 30	Winter Recess 31		

AT A GLANCE

SEPT. 8 First day of school for grades 1-12

SEPT. 10 First day of school for kindergarten

OCT. 15-16 MEA Weekend

NOV. 6 End of Term 1

NOV. 26-27 Thanksgiving Break

DEC. 23-JAN. 1 Winter Break

JAN. 21 End of Semester 1

FEB. 15-19 Mid-Winter Break

APRIL 2 End of Term 3

APRIL 5-9 Spring Break

JUNE 10 Last day of school; End of Semester 2

No school for students:

JANUARY

S	M	T	W	T	F	S
					New Years HOLIDAY 1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	M.L.K. HOLIDAY 18	19	20	EHM 21	Tchr WD Para PD 22	23
24 31	25	26	27	28	29	30

FEBRUARY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	PD Day 8	9	10	11	12	13
14	Pres. Day HOLIDAY 15	Winter Break 16	Winter Break 17	Confer. Makeup 18	Confer. Makeup 19	20
21	22	23	24	25	26	27
28						

MARCH

S	M	T	W	T	F	S
	PD Day 1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL

S	M	T	W	T	F	S
				1	HM 2	3
4	Confer. Makeup 5	Confer. Makeup 6	Confer. Makeup 7	Spring Break 8	Spring Break 9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY

S	M	T	W	T	F	S
						1
2	PD Day 3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24					
30	Mem. Day HOLIDAY 31	25	26	27	28	29

JUNE

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	Students Last Day EHM 10	Teacher Work Day 11	12
13	14	15	16	17	Juneteenth HOLIDAY 18	19
20	21	22	23	24	25	26
27	28	29	30			

District Information

PHILOSOPHY OF LEARNING

Duluth Public Schools strives to create a safe, equitable and welcoming environment that fosters growth in relationships, academics, social-emotional competency and life skills. We believe it is important to develop the unique potential of each student by providing quality, challenging, engaging, and differentiated instructional opportunities in order to establish a foundation for lifelong success that result in positive contributions to our community and wider society. We believe that each student, staff member, parent/guardian, and community member add value to our school community and that engagement and collaboration with all stakeholders is of utmost importance in our student's education and success. We work to ensure that we are empowering students to be leaders, problem-solvers, and innovators throughout their education. We continue to make it a priority that we are delivering flexible and culturally responsive instruction so that each student receives an education that aligns with best practice, current research, and state/national standards.

OUR BELIEFS ABOUT AND COMMITMENTS TO EQUITY

Educational equity is the condition of justice, fairness and inclusion in our systems of education so that all students have access to the opportunities to learn and develop to their fullest potentials. The pursuit of educational equity recognizes the historical conditions and barriers that have prevented opportunity and success in learning for students based on their races, genders, sexual orientations, incomes, and other social conditions. Creating greater equitable outcomes depends upon having inclusive policies and equitable practices that represent all students and staff and provide each student and staff increased access to allow for meaningful participation in high-quality learning and working experiences where each student and staff realizes positive outcomes. We recognize the importance of continuous ongoing work to address racism, sexism, bias, and equity in district policies and practices. This is challenging work that must be of the highest priority in order for our district to achieve its vision for all.

DULUTH SCHOOL BOARD MEMBERS

Visit www.isd709.org/about-us/school-board to access agendas and minutes as well as the Duluth School Board schedule. All School Board meetings are live streamed on the district's YouTube channel. The board can be reached at schoolboard@isd709.org. Feel free to call 218-336-8752 or email patricia.paquette@isd709.org if you have any questions.

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Administrative Team

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Dale Uselman	Elementary MnMTSS Academic and Curriculum & Instruction Coordinator	dale.uselman@isd709.org
Julie Stauber	Secondary MnMTSS Academic and Curriculum & Instruction Coordinator	julie.stauber@isd709.org

PART I – INFORMATION

Arrival and Dismissal Hours

An elementary student instructional day is from 7:45-2:15. In general student arrival will begin 15 minutes prior and bus departure begins within 10 minutes following the instructional day.

The middle school instructional day is from 8:40-3:19. The entry bell rings at 8:40 AM and bus departure is within 10 minutes following the instructional day. Any school sponsored after school activities run from 3:30-4:15 on identified days. An after school activity bus is provided and departs at 4:25. The middle school day is in an A/B block model, which can be found on the calendar.

The high school regular instructional day is from 8:50-3:29. The high schools have a 7-period day with an extended 3rd period for school announcements. Each class will be 47 minutes long.

Please see your student's school website for specific details on the school day, arrival and dismissal procedures and after school activities.

Individual building hours are determined by event and staffing capabilities.

Class Assignments

Class assignments will be communicated through the Back to School information that is sent from your student's school mid to late August. Parents can access teacher placement information in the parent portal of Infinite Campus at duluthmn.infinitecampus.org/campus/portal/duluth.jsp.

Communications

Duluth Public Schools is committed to engaging families, students, staff and the community to ensure each child's educational needs are met. These relationships enhance a meaningful learning environment for our children and provide a stronger community for all of us.

Principals and the district communicate to families through multiple avenues. Those include, but not limited to:

- Infinite Campus Parent Portal
- ParentSquare
- Phone Calls
- Text Messages
- Emails
- Mailings
- Newsletters
- Social Media
- Websites
- Community Conversations

Alerts and Notifications
Duluth Public Schools utilizes calls, text messages, emails, and ParentSquare app notifications to ensure families receive important district messages. To confirm your contact information is current, please log into Infinite Campus Parent Portal. You can update your email address and cell phone number by clicking "More" in the menu and then "Family Information," making the necessary changes, and selecting "Update" in each cell. For changes to your primary home mailing address, please contact your student's school directly.

Critical Incidents (Events that may impact student and staff safety)
When critical incidents occur, Duluth Public Schools acts immediately. Our response involves gathering facts, collaborating with the Duluth Police Department and other partners, and communicating thoughtfully with families. Each situation is unique and our approach is tailored to the specific circumstances. This means that not every incident will result in a district-wide notification, as we prioritize accurate and timely information distribution.

- **Gathering Facts:** School and district leadership work closely with the Duluth Police Department to thoroughly investigate all reports. Decisions are based on verified facts, not rumors. Investigations can take time, involving various steps to ensure credibility. We ask for your patience and trust during these times, as premature communication can hinder an investigation.
- **Adhering to Guidelines:** State and federal laws, alongside district policy, govern what information can be publicly shared about students and investigations. We are committed to protecting student privacy and complying with all data practices. While we cannot disclose specific student details or disciplinary actions, please know that accountability is maintained, and support for student learning and growth remains paramount. We make decisions to keep students and staff safe, hold individuals accountable, and foster an environment where mistakes can lead to learning.
- **Distributing Messages:** Once facts are confirmed and messages are carefully prepared, we review them with partners and legal advisors to ensure accuracy and compliance. Messages are then distributed to the directly affected families or the entire school community as appropriate. We appreciate your

understanding as we work diligently to provide timely and accurate updates.

Our Request for Families

- **Trust in Our Commitment:** We extensively train and practice emergency response to ensure student and staff safety. Our decisions are fact-based and made with deep situational understanding.
- **Promote Digital Citizenship:** Engage in conversations with your children about social media responsibility and monitor their online activity.
- **Report Concerns:** Please inform us immediately of any information that could affect student or school safety. All reports are taken seriously, investigated, and addressed with appropriate action.
- **Practice Empathy:** Our staff are dedicated professionals who work tirelessly for our students. We ask for your support and understanding during critical situations.

The safety of students and staff is a top priority to Duluth Public Schools. We believe every student, every day has a right to a public education in a welcoming, safe, and nurturing environment.

Stay up to date with the following resources

The district website offers a wealth of resources about the schools, including news, class and department information, student support services, athletic events, career center updates, academic events and more.

District

- isd709.org

Programs

- alc.isd709.org
- dae.isd709.org

Elementary Schools

- congdon.isd709.org
- homecroft.isd709.org
- lakewood.isd709.org
- lauramacarthur.isd709.org
- lesterpark.isd709.org
- myerswilkins.isd709.org
- lowell.isd709.org
- piedmont.isd709.org
- stowe.isd709.org

Secondary Schools

- aeo.isd709.org
- denfeld.isd709.org
- dulutheast.isd709.org
- lincolnpark.isd709.org
- ordeaneast.isd709.org

District News

- Facebook: facebook.com/duluthpublicschools
- Instagram: @duluthpublicschools
- Nextdoor: Duluth Public Schools
- Calendar: isd709.org/calendar
- News: isd709.org/about-us/district-news

Contacting Your Student During the School Day

Calls to give messages to students during the school day are limited to families (parents/guardians). Messages from employers, friends, or siblings will not be delivered. Paging students for messages is restricted to passing times, and before and after school. Messages not picked up will be discarded at the end of the day. Students paged are responsible for reporting to their student center to retrieve messages. Calls directly into classrooms are reserved for emergencies only and will be routed through the health office, student's dean, counselor, or principal's office.

Deliveries for Students

Deliveries to students will be accepted only from families (parents/guardians) and must be school-related items (e.g., lunches, books). Deliveries should be made to the main office or designated student delivery area. Non-school related items (e.g., food deliveries from outside vendors) or sealed packages not pre-approved by the school will not be accepted or delivered to students.

Family Communication with Staff

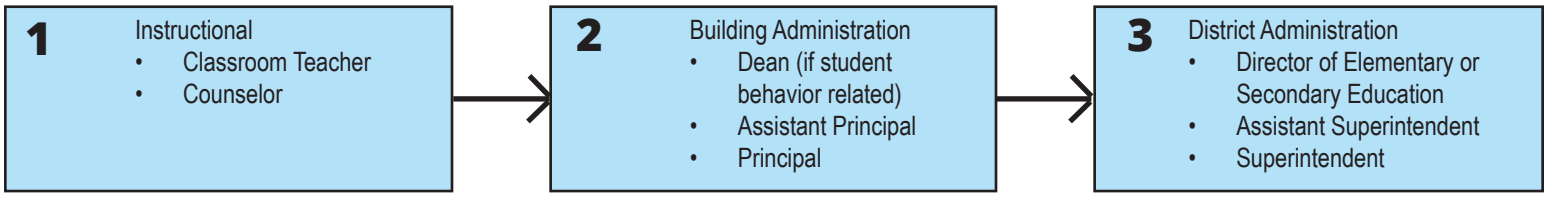
Duluth Public Schools fosters a collaborative learning environment where families, teachers, and students work together. We are committed to open communication regarding student progress, school events, and classroom activities. All staff members strive to respond to requests for information and assistance promptly and professionally.

Tips for effective communication with teachers

- Log in to the Parent Portal to access academic and attendance information.
- Utilize ParentSquare, email, or voicemail to contact teachers. You can generally expect a response within two working days.
- Schedule a meeting in advance if you wish to discuss a matter with a teacher in person.
- Attempt to resolve any concerns directly with the teacher first. If you are not satisfied with the resolution, you are welcome to contact the building administration.

Complaints

Students, parents/guardians, employees, or other persons may report concerns or complaints to the school district. 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 school district's response to the complaint. Follow the order of the flow chart to have concerns addressed without delay:



Any staff member, parent or student, who feels the Student Code of Conduct was not followed properly in regards to discipline has a right to make a complaint to the Director of Elementary Teaching, Learning and Equity Brenda Spartz or Director of Secondary Teaching, Learning and Equity Jen Larva.

E-Learning Plan

What is an e-learning day?

- Refers to an instructional school day that takes place when students are physically not at the school due to inclement weather situations.
- Instruction and communication happens online for some students while others may have assignments and resources sent home with them.
- Teachers are available to provide assistance to students and parents via email and/or phone via voicemail.
- Up to 5 e-learning days may be used for weather related school cancellations.

What are the goals of e-learning days?

- Provide flexible delivery of instruction to minimize the disruption to education caused by any unexpected weather related school closings.
- Enables students to apply becoming increasingly responsible for their learning.

How will the district notify families?

Families must be notified of the plan at the beginning of the school year and prior to an e-learning day occuring. Some ways this information may be communicated are:

- Student Handbooks
- District website
- Conferences
- Open House

In addition, there will be an automated message delivered to parents via phone and/or email soon after it is determined that the district will be moving to e-learning due to inclement weather. The recorded message will state whether or not e-learning will be executed on that day. Messages will also be communicated to local news and reporting outlets to share with the schools' communities.

How does an e-learning day work?

- Preschool students will have work assigned by their teachers, which will be age appropriate with instruction and resources sent home.
- K-5th grade students will have grade appropriate Choice Boards assigned by their teachers.
- 6-12th grade students will have a combination of work assigned for all classes scheduled for that day in either digital or hard copy formats depending on the requirements of each teacher and the status of a student's Internet access.
- Students with special circumstances and needs such as those on IEPs will be addressed by their case managers in conjunction with their classroom teacher(s).
- Teachers will be available by email and/or phone via voicemail for students and families from 9:15AM-2:15PM.
- Due dates for work completed on an e-learning day will be determined by each classroom teacher as the nature of assignments will vary.

What happens if a family chooses not to participate on an e-learning day?

A family that chooses to not participate on an e-learning day will have their child marked as an excused absence for that day. Parents/guardians must notify their child's school that they will be absent that day.

Internet Access

Parents and students in 6-12th grades MUST inform teachers if there is no Internet access or limited Internet access at home so required modifications to assignments can be planned prior to an e-learning day.

Administrators are responsible for:

- Being available by phone via voicemail and/or email.
- Actively interacting and supporting teachers and parents as needed.

- Ensuring E-Learning Day Plan is posted online and communicated through newsletters.
- Monitoring teacher attendance and compliance with the E-Learning Day Plan.

Teachers are responsible for:

- Familiarizing students with their delivery method, type of assignments, and expectations of instruction prior to an e-learning day.
- Collaborating to make sure workload is appropriate and addresses each student's needs. Homeroom, specialists, intervention, special education, and content specific teachers will all contribute to a child's instruction on an e-learning day as appropriate.
- Including elements of instruction to address the requirements of interventions, IEPs for special education students and the needs of students with 504 accommodations if applicable.
  - This should be coordinated with case managers, academic support teachers, and certified support staff (Title I, EL, intervention teachers, dean of students, social workers, counselors, school nurse).
- Being available by ParentSquare, phone via voicemail and/or email for student and parent communication from 9:15AM to 2:15PM.
- **Grades PreK-5:**
  - Ensuring parents are informed of Choice Board use on e-learning days and that Choice Boards are uploaded on the appropriate student communication tool prior to the first e-learning day.
- **Grades 6-12:**
  - Posting assigned work in Canvas by 9:15 AM on an e-learning day, if it has not already been assigned.
  - Sharing office hours on the Canvas class page.
  - Ensuring instruction and assignments are meaningful, monitored, and important to students.
    - Must include some type of instruction; cannot be a catch-up work day
    - However, review lessons & activities are okay
    - Lessons/activities should take most students no more than 20 minutes to complete
    - Students on 504s and IEPs will follow same accommodations with e-learning activities as they would if in the classroom
  - Being aware of each 6-12th grade student's access to adequate Internet service at home.
    - With prior communication, any student without Internet access at home should receive an alternative delivery method for instruction such as paper/pen versions of digital content with any hard copy textbooks if necessary for support to complete work.
    - Teachers can also have students download content prior to leaving the day prior to an anticipated e-learning day.

Parents are responsible for:

- Verifying student attendance according to the expectations of the teacher(s).
- Seeking clarification from teachers regarding expectations on an e-learning day.
- Informing teachers if there is not adequate Internet at home for students in grades 6th-12th as assignments may need access. Teachers can provide alternatives to digital content as well as other accommodations if necessary.
- Supporting your child at home on an e-learning day. If your child struggles with a concept or assignment and is unable to complete work, please encourage your child to communicate with the teacher, who should then follow up when returning to school.

Students are responsible for:

- Completing and submitting work as assigned by the teacher(s).
- Accounting for their attendance according to the requirements of their grade and/or teacher(s).
- Communicating with their teacher about lack of Internet access at home for students in grades 6th-12th.

Addition information for e-learning:

- If there are no weather related school cancellations, no part of this plan will be executed.

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 school district policy and this handbook.

Employment Background Checks

The school district will seek criminal history background checks for all applicants who receive an offer of employment with the school district. The school district 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 the school district, regardless of whether compensation is paid. These positions include, but are not limited to, all athletic coaches, extracurricular academic coaches, assistants, and advisors. The school district may elect to seek criminal history background checks for other volunteers, independent contractors, and student employees.

Equal Access to School Facilities

The school district has created a limited open forum for secondary students to conduct non curriculum-related meetings during non instructional time. The school

district 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 non participatory 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 the school district.

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 expected to provide their own pencils, pens, paper, erasers, notebooks, and other personal items. If families are unable to provide the necessary supplies please reach out to your school for assistance.

Students may be required to pay certain other fees or deposits, including (not an inclusive list):

- Admission fees or charges for extracurricular activities, where attendance is optional and where the admission fees or charges a student must pay to attend or participate in an extracurricular activity are the same for all students, regardless of whether the student is enrolled in a public or a home school.
- Cost for materials for a class project that exceeds minimum requirements and is kept by the student.
- Security deposits for the return of materials, supplies, or equipment.
- Personal physical education and athletic equipment and apparel.
- Items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements.
- Field trips considered supplementary to the district's educational program.
- Admission fees or costs to attend or participate in optional extracurricular activities and programs.
- Voluntarily purchased student health and accident insurance.
- Use of musical instruments owned or rented by the school district.
- A school district-sponsored driver or motorcycle education training course.
- Transportation to and from school for students living within 1 mile of school.
- Transportation of students to and from optional extracurricular activities or post-secondary instruction conducted at locations other than school.

Students will be charged for textbooks, workbooks, and library books that are lost or destroyed. The school district may waive a required fee or deposit if the student and parent/guardian are unable to pay. For more information, contact the building principal.

Food in the Classrooms

As stated in District Policy 533 Wellness:
Student wellness will be a consideration for all foods offered, but not sold, to students on the school campus. Caution will be exercised when offering foods that may cause allergic reactions or adversely impact students with health conditions, including those foods provided through:

- Celebrations and parties. A celebration or party is a special and enjoyable occasion (birthdays, holidays, etc.). The school district will provide a list of healthy party ideas to families and staff, including non-food celebration ideas.
- Classroom snacks to be distributed to the class. A snack is food eaten between meals to supplement the nutritional needs of students intended to make a positive contribution to the child's health and diet. The school district will provide to parents, families and staff a list of suggested foods and beverages that meet Smart Snacks nutrition standards.
- Please contact your child's teacher or building administrator for guidance on bringing food or treats to the classroom.

Fundraising

All fundraising activities conducted by student groups and organizations and/or parent groups must be approved in advance by the school board. School District regulation 511R details the procedure for garnering approval through Business Services. Participation in non approved fundraising activities is a violation of school district policy. Solicitations of students or employees by students for nonschool-related activities will not be allowed during the school day. The fundraising request form can be found at isd709.org/about-us/departments/business-finance.

Gifts to Employees

Employees are not allowed to solicit gifts and are discouraged from accepting or receiving gifts 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 Participation and Dress Code

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 building principal(s). Each high school will communicate the guidelines for graduation ceremonies with seniors and families.

Students enrolled in ALC or AEO but who spent most of their high school years at Denfeld and East are welcome to participate in those ceremonies. However, these students must inform Denfeld and East offices of their intent to participate no later than February 1 of the graduation year. It is important to note that the school where the student completed requirements is still the school issuing the official diploma.

The commencement dress code embraces that in all cultures, there are traditions for various celebrations of accomplishment. We recognize the many different ways families acknowledge accomplishments. The graduation commencement in our schools is no different. Our goal is to be culturally responsive to the needs of all students as we balance unique differences with the long-held traditions of graduation in the Duluth Public Schools.

- Caps, gowns, and tassels are purchased by the school. Students who purchase alternative tassels must wear one issued to them by the school during the ceremony.
- Only district approved stoles, cords, pins, and medals are permitted. These are limited to:
- Student Service Leadership medals provided by sites.
    - Honor Society cords and/or stoles.
    - Academic honor distinctions issued by the school. These may include alternative colored tassels, pins, cords, or medals as determined by the site.
    - Stoles issued to Native American students by the American Indian Education Department.
    - Cords provided to Upward Bound participants.
    - Stoles provided by the Black Student Association.
    - Stoles provided by Military Service organizations for students who have enlisted.
- Additions of Tribal regalia, items of cultural significance, and religious items are encouraged. Examples include feathers, decorated stoles, beadwork on caps, and religious head coverings.
- American Indian students are welcomed to wear American Indian regalia, Tribal regalia, or objects of cultural significance to graduation ceremonies. No staff member is to prohibit American Indian students from the wearing of these items in accordance with Minnesota State Statute 124D.792.
- Other than exceptions previously described, the school-issued cap and gown are part of the school tradition being preserved. No decorating (sparkles, puff paint, etc.) the cap or gown until AFTER commencement.
- We will have “emergency” replacements to borrow at commencement if something happens to the school issued items or if a student is in violation of the dress code detailed here.
- Students and families are encouraged to contact the building principal well in advance of commencements with any questions.

Holiday Celebrations and Parties

School administrators and teachers will show sensitivity to students and families with varied cultural and religious beliefs. At times, schools and classrooms may plan events and activities to celebrate heritage months and holidays. Please contact your child’s teachers for procedures in excusing students from these celebrations.

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 school district officials, employees, and/or agents, except as provided by law and/or school policy.

Library and Media Center

The library/media center is open during regular instructional hours. Students may use the library/media center during the school day and before and after school only when a supervisor is present.

Lunch

Lunch is to be eaten in designated areas only. Lunch times vary by classroom and/or grade level. Students will be notified of their assigned lunchtime on the first day of school. Breakfast and lunch meals, (students must take the whole meal) will be provided for free to all students, regardless of economic status. Students may be able to purchase a second lunch or a la carte items, if available, with their positive balance meal account. Students may bring a prepared lunch from home and milk will be available for purchase to supplement lunches brought from home.

Details on negative account balances can be found in Appendix K. Any parent wishing to get a refund from a meal account or transfer it to another student, should contact Child Nutrition at childnutrition@isd709.org. Off-campus lunch is determined by school.

Nondiscrimination

The school district is committed to inclusive education and providing an equal educational opportunity for all students. The school district 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 Assistant Superintendent Anthony Bonds, 709 Portia Johnson Drive, Duluth MN 55811, 218-336-8739 as the district’s human rights officer to handle inquiries regarding nondiscrimination.

Notice of Violent Behavior by Students

The school district will give notice to teachers and other appropriate school district staff before students with a history of violent behavior are placed in their classrooms. Prior to giving this notice, district 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

Parent and teacher conferences will be held twice per year. Conference dates are set by individual buildings. For more information, contact the site clerical.

Parent Volunteers

Parents/guardians are welcome in the schools and are encouraged to volunteer in their children's classrooms. To volunteer in the school building or classroom, parents/guardians should contact the building principal. Parents/guardians who visit the school should sign in at the main school office before entering a classroom. The use of volunteers is at the discretion of each building's professional staff. Parent volunteers will be asked to complete a background check and will be notified once they are received and reviewed. For more information, contact the building principal.

Pledge of Allegiance

Students will recite the Pledge of Allegiance to the flag of the United States of America once a week. 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 building principal's authority to determine. Please see your school counselor or building principal for information on daily class schedules and schedule adjustments.

School Activities

The school district provides opportunities for students to pursue special interests that contribute to their physical, mental, and emotional health. Formal instruction is the school district'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. Parents/guardians and other spectators may be subject to sanctions for inappropriate, illegal, or unsportsmanlike behavior at these activities or events.

The Duluth School District is a member of the Minnesota State High School League (MSHSL). Students who participate in MSHSL activities must abide by the MSHSL rules. The district will enforce all MSHSL rules during the school year and in the summer as applicable.

Employees who conduct MSHSL activities will cover applicable rules, penalties, and opportunities with students and parents/guardians prior to the start of an activity. For more information about the MSHSL rules and student eligibility requirements, contact your school Activity Director or refer to www.mshsl.org.

School Closing Procedures

School may be canceled when the superintendent believes severe weather or other circumstances threaten the safety of students and employees. The decision to close or delay the start of school due to severe weather is made prior to 5 a.m. All families will receive a call, text and/or email through our emergency messaging system if school is closed or delayed. If possible, a decision will be made the night before so families, especially those with elementary age students, have enough time to make alternative plans for their children in the event of weather-related school closings. Please visit www.isd709.org/weather for more information.

School Resource Officers

Duluth Public Schools contract with the Duluth Police Department to have a school resource officer at each of our high schools and middle schools. The school resource officers are commissioned Duluth police officers and are required to visit all of our school sites to build relationships with students and be available during emergency situations. Duluth Public Schools will review the impacts of the program on the district and students on a yearly basis. For more information

visit isd709.org/about-us/school-resource-officers.

Searches

In the interest of student safety and to ensure that schools are drug free, district 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 school district policy and/or law. If a search yields contraband, school 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 the school district’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 school district property. At no time does the school district 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.

Backpacks: All students are required to keep their backpacks in their lockers from first bell to last bell.

Desks

School desks are school district property. At no time does the school district 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

Patrols and Inspections

School officials may conduct routine patrols of student parking lots and other school district 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 school district 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

The school district’s policy is to protect students’ free speech rights while, at the same time, preserving the district’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. Non-school-sponsored publications may not be distributed without prior approval.

Distribution of Non-school-Sponsored Materials on School Premises

The school district recognizes that students and employees have the right to express themselves on school property. This protection includes distributing non-school-sponsored material, subject to school district regulations and procedures, at a reasonable time and place and in a reasonable manner. For detailed information, see the complete “Distribution of Non-school-Sponsored Materials on School Premises by Students and Employees” policy (Appendix B).

School-Sponsored Media

The school district may exercise editorial control over the style and content of student expression in school-sponsored media as defined in policy 512 and activities. Faculty advisors shall supervise student writers to ensure compliance with the law and school district policies. Students producing official school publications and participating in school activities will be under the supervision of a faculty advisor and the school principal. "Official school publications" means school newspapers, yearbooks, or material produced in communications, journalism, or other writing classes as part of the curriculum. Expression in an official school publication or school-sponsored activity is prohibited when the material:

- is obscene to minors;
- is defamatory;
- is profane, harassing, threatening, or intimidating;
- constitutes an unwarranted invasion of privacy;
- violates federal or state law;
- causes a material and substantial disruption of school activities;
- 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; or
- is distributed or displayed in violation of time, place, and manner regulations.

Expression in an official school publication or school-sponsored activity is subject to school district editorial control over the style and content when the school district's actions are reasonably related to legitimate pedagogical concerns. Official school publications 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 "Student Records" (Appendix C). A complete copy of the school district's "Protection and Privacy of Pupil Records" policy may be obtained at the Office of the Superintendent or on the website at www.isd709.org/about-us/policies.

Student Surveys

Occasionally, the school district utilizes surveys to obtain student opinions and information about students. For complete information on the rights of parents/guardians and eligible students about conducting surveys, collection and use of information for marketing purposes, and certain physical examinations, see "Student Surveys" (Appendix D). A complete copy of the school district's "Student Surveys" policy may be obtained at the Office of the Superintendent or on the website at www.isd709.org/about-us/policies.

Transportation of Public School Students

The school district will provide transportation, at the expense of the school district, for all resident students who live one mile or more from the school. 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. The school district will not provide transportation for students whose transportation privileges have been revoked or have been voluntarily surrendered by the students' parent or guardian. See additional discipline procedures in the Code of Conduct section.

Extracurricular Transportation

The school district may provide transportation for students to and from extracurricular activities. To the extent the school district provides extracurricular transportation, the district may charge a fee for transportation of students to and from extracurricular activities and optional field trips at locations other than school.

Video and Audio Recording

School Buses

All school buses used by the school district may be equipped for the placement and operation of a video camera. The school district will post a notice in a conspicuous location informing students that their conversations or actions may be recorded. The school district 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.

Places Other Than Buses

The school district buildings and grounds may be equipped with video cameras. Video surveillance may occur in any school district building or on any school district 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 superintendent.

PART II — ACADEMICS

Academic Dishonesty

Cheating and plagiarism are prohibited, including the unapproved use of generative use of Artificial Intelligence (AI).. Students who cheat or commit plagiarism on any test or assignment may be given a failing grade for that test or assignment and will be disciplined in accordance with the school district's "Student Discipline" policy (Appendix E).

Alternative Educational Opportunities

Some students may be at risk of not continuing or completing their educational programs. The school district provides alternative learning options for students at risk of not succeeding in school. Alternative educational opportunities may include special tutoring, diversified curriculum and instruction, instruction through electronic media, special education services, homebound instruction, and enrollment in an alternative learning center, among others. A list of the alternative learning options is available on the district's website at www.isd709.org/academics/special-education and/or alc.isd709.org. Students and parents/guardians with questions about these programs should contact the Special Services or ALC.

Classwork and/or Homework

Classwork and/or homework assignments vary by grade-level and subject area. The school district asks parents/guardians to encourage their child(ren) to complete homework thoroughly and promptly. Questions about student homework should be directed to classroom teachers.

Dropping Classes or Removing a Student from Class

- Semester Courses (such as Health, Physical Education, Psychology)
  - » Students will have ten school days after the start of the first grade period to drop without penalty.
- Sequential / Yearlong Semester Courses (such as English, Geometry, American History)
  - » 1st and 2nd Semester: Students will have ten school days after the start of the first grade period to droop without penalty.

Students who drop a class after the deadline above will have a transcript with a record of their credit(s) attempted and credits earned. The student will receive no credit and will receive a grade of "I". The grade point average will be permanently affected since this would be a credit attempt, but no credit earned.

Any student removed from a class due to excessive truancies or absences will receive no credit and a permanent "I" grade. The grade point average will be permanently affected since this would be credit attempted, but no credit earned.

E-Squared

As part of the district's MTSS (Multiple Tiered Systems of Support) initiative to accelerate the performance of all students, we offer supplemental services in conjunction with other interventions and extensions for 3rd-5th grade students throughout the district. We use universal screeners to identify the highest 10% of grades 3-5 at each elementary site in math. We then provide at least 10 hours per qualified subject area of intervention courses. These subject specific units offer project-based learning opportunities that focus on extending the grade- level standards and allow students the opportunity to collaborate, communicate and think critically with a small cohort of high achieving peers. All students have the opportunity to qualify for these services.

English Language Learner Program

The English Language Learner (ELL) Program serves students who:

1. First spoke a language other than English, come from homes where a language other than English is usually spoken, or do not use English as a primary language

- AND -

2. Lack the necessary English skills to fully participate in classes taught in English

If you think your child requires ELL services, please contact your student's building principal. Immersion Language Programs

Immersion Language Programs

Duluth Public Schools is providing high quality language instruction in two different elementary immersion programs. Families interested in enrolling their child/children in the Misaabekong Ojibwe Immersion Program or Nueva Vision Spanish Immersion Program should contact the Immersion Coordinator for the

specific language program. Please see the Misaabekong Immersion website: https://www.isd709.org/academics/k-12-curriculum-and-instruction/misaabekong or the Nueva Vision Language Immersion website: https://www.isd709.org/academics/k-12-curriculum-and-instruction/nueva-vision.

Extended School Year Opportunities

The school district provides extended school year opportunities to a student who qualifies through 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 student's case manager.

Field Trips

Extended student learning may be offered through field trips. 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. Supplemental field trips are voluntary and there may be a fee for students to participate.

Grades

Elementary Report Card

Duluth Public Schools implements a standards based report card for elementary students. Report cards are issued once each semester. Family Report Card Guides and activities that can be done at home to support learning are available for grades K-5 at your child's school or online at www.isd709.org/academics/k-12-curriculum-and-instruction/grading-and-reporting. The report cards are designed to report on each child's performance in relation to specific criteria. The goals of standards based report cards include the ability to:

- Reflect academic achievement
- Provide meaningful feedback
- Be honest, fair, transparent, credible, useful, and user friendly
- Be aligned with the Duluth Public Schools curriculum
- Reflect consistency among courses, grade levels, departments, and schools
- Separate non-academic factors like participation or effort

The following numbers and descriptors are used to report progress:

4 — Mastering
The student exhibits knowledge and understanding of the concepts, skills, and processes the standard requires and can readily apply this knowledge in a variety of settings.

3 — Meeting
The student has a thorough knowledge, understanding, and application of the concepts, skills, and processes the standard requires. A score of three meets grade level expectations.

2 — Developing
The student is gaining understanding of the concepts, skills, and processes the standard requires, but has not been able to consistently demonstrate the learning.

1 — Beginning
The student is just starting to understand the concepts, skills, and processes the standard requires and needs consistent support.

Middle School Report Card

Students in grades 6-8 receive letter grades to report academic progress. Report cards for grades 6-8 are issued four times per year. You may access your student's grades by going to: https://duluthmn.infinitecampus.org/campus/portal/duluth.jsp.

- The middle school follows a 7-period schedule with a modified block schedule 2 days per week.
- AREA and Advisory participation is a mandatory part of every student's schedule. It is an abbreviated class and may not be replaced by an online learning class.
- OEMS & LPMS physical education, music, Skills for Success and Computer classes are considered ½ semester classes since they meet every other day.

High School Report Card

Students in grades 9-12 receive letter grades to report academic progress in the following manner, exceptions may be given for Honors, AP, or CITS classes.

- Report cards for grades 9-12 are issued four times per year.
- Credit is awarded at the semester level.
- A student's Grade Point Average (GPA) is calculated using whole grades, meaning plus and minus do not impact GPA.
- A full schedule for grades 9-11 is six credit bearing courses per semester, for grade 12 is five credit bearing courses
- A student may participate in 50% online learning courses and still be considered enrolled in their resident district.
- You may access your student's grades by going to: https://duluthmn.infinitecampus.org/campus/portal/duluth.jsp.

Families can monitor current scores through the Canvas learning management system. For specifics on course grading, please refer to the course syllabus or cooperating postsecondary institution for details.

There are a few exceptions in high school concurrent and dual enrollment classes where letter grades may be required and high schools must work with their post-secondary partners on completion requirements. Please refer to your school for more information.

Middle School and High School Grades
The following percentages are used for both middle and high school grading:

A	(90-100%)	Excellent
B	(80-89%)	Very Good
C	(70-79%)	Satisfactory
D	(60-69%)	Passed
F	(Below 60%)	Fail

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 Duluth Public Schools. Graduating high school students need 23 credits. Specific requirements are listed below, with a complete listing of requirements to be found at www.isd709.org/academics/k-12-curriculum-and-instruction/course-offerings.

MINIMUM GRADUATION REQUIREMENTS							
Class of 2026: minimum credits needed to graduate - 23.0 **Class of 2027: minimum credits needed to graduate - 23.5** **Class of 2028 and beyond: minimum credits needed to graduate - 24.0**							
English Language Arts 4.0 credits	**Social Studies** 3.5 credits	**Math** 3.0 credits	**Science** 3.0 credits	**Arts** 1.0 credit	**Health** .5 credits	**Physical Education** .5 credits	**Elective** 7.0+ credits

Students who begin grade 9 in the 2024-2025 school year and later must successfully complete a course for credit in personal finance in grade 10, 11, or 12.

In Minnesota, students are required to complete two kinds of requirements by the time they graduate. Students must:
- Satisfactorily complete all state academic standards or local academic standards where state standards do not apply.
- Satisfactorily complete the state course credit requirements under Minnesota Statutes, section 120B.024.

Students with an individualized education program (IEP), Section 504 accommodation plan, or is a multilingual learner enrolled in the English Language Learner program may be eligible for testing accommodations, modifications, and/or exemption. For additional information, see the counselor or principal at your child's school.

Early Graduation

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

Graduation Procedures

- Duluth Public Schools students attending AEO or ALC may request to walk through the graduation ceremony where they previously attended prior to enrolling in AEO or ALC
- AEO and ALC staff will request information from their students regarding where the students plan to walk at the end of Semester 1
- ALC principal will provide the names of students at the start of Semester 2 to East or Denfeld in order to order graduation materials for students
- Final grades for AEO and ALC students must be to Denfeld and East by 8:00am Monday the week of graduation
- Students will receive a diploma from the school they attend at least 50% the last semester of 12th grade year

Multi-Tiered System of Supports (MTSS)

Duluth Public Schools implements a Multi-Tiered System of Supports to ensure needs of all learners are addressed. Every school has a team of staff dedicated to supporting student success. There are academic, social, emotional, and behavioral supports available at each school. Contact your child's teacher or principal for more information.

Parent Right to Know

If a parent requests it, the school district 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, the school district will provide parents with information as to the level of achievement of their child in each of the state academic assessments. The school district 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.

Postsecondary Enrollment Options (PSEO)

Tenth, eleventh, and twelfth grade students may apply to enroll in Postsecondary Enrollment Options (PSEO) and other advanced enrichment programs. General up-to-date information about the PSEO program will be published on the district's website and in materials that are distributed to parents and students provided to all 8th, 9th, 10th, and 11th grade students by the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year.

Qualifying credits granted to a student through a PSEO course or program that meets or exceeds a graduation standard or requirement will be counted toward the graduation and credit requirements of the state academic standards. Interested students must fill out an application form and submit it to the school counseling office by October 30 or May 30 to indicate the pupil's intent to enroll in postsecondary courses during the following academic term. A pupil is bound by notifying or not notifying the district by October 30 or May 30 for enrollment the following school year. The application form must be signed by the student and his/her parent or guardian. Students wishing to take a PSEO course should contact their assigned school counselor.

Promotion and Retention

All students are expected to achieve an acceptable level of proficiency. Students who achieve at an acceptable level will be promoted to the next grade level at the completion of the school year. Retention of a student may be considered when professional staff and parents/guardians feel that it is in the best interest of the student. The superintendent's decision will be final. The district has a variety of services to help students succeed in school. For more information, contact the school principal.

Summer School

The school district may provide summer school learning opportunities at selected sites. There may be K-5 programming at elementary schools and 6-8 programming at a middle school. Additional learning opportunities for grades 9-12 may be provided through Duluth Area Learning Center. There are two options for high school summer school: seat-based summer school or credit recovery through online classes. For more information, contact your student's counselor or student's teachers.

PART III — RULES AND 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 the “Student Discipline” policy (Appendix E).

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. We strive for a 90% or better consistent positive student attendance for each student. All student absences must be reported to the school through their communication tool within 48 hours of the absence for it to be considered excused. This includes notification in advance for family trips lasting longer than two days. For detailed information, see the “Student Attendance” policy (Appendix F).

Bullying Prohibition

The school district 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 school district property, at school-related functions or activities, on school transportation, and by misuse of technology. For detailed information, see the school district’s “Bullying Prohibition” policy (Appendix G).

Conduct on School Buses and Consequences for Misbehavior

Riding the school bus is a privilege, not a right. The school district’s general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students. The school district will not provide transportation for students whose transportation privileges have been revoked.

The school district is committed to transporting students in a safe and orderly manner. To accomplish this, student riders are expected to follow school district rules for waiting at a school bus stop and for riding on a school bus.

While waiting for the bus or after being dropped off at a school bus stop, all students must comply with the following rules:

- Get to the bus stop five minutes before your scheduled pick up time. The school bus driver will not wait for late students.
- Respect the property of others while waiting at the bus stop.
- Keep your arms, legs, and belongings to yourself.
- Use appropriate language.
- Stay away from the street, road, or highway when waiting for the bus.
- Wait until the bus stops before approaching the bus.
- After getting off the bus, move away from the bus.
- If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- No fighting, harassment, intimidation, or horseplay.
- No use of alcohol, tobacco, or drugs.

While riding a school bus, all riders must comply with the following rules:

- Follow the driver’s directions at all times.
- Remain seated facing forward while the bus is in motion.
- Talk quietly and use appropriate language.
- Keep all parts of your body inside the bus.
- Keep arms, legs, and belongings to yourself and out of the aisle.
- Treat everyone with kindness and keep your hand to yourself..
- Keep all objects to yourself.
- Avoid eating, drinking, or use of alcohol, tobacco, or drugs.
- Do not bring any weapons or dangerous objects on the school bus.
- Take care of the bus and not damage the school bus.

Consequences for school bus/bus stop misconduct will be imposed by the school district under administrative discipline procedures. All school bus/bus stop misconduct will be reported to the school district’s transportation safety director. Serious misconduct may be reported to local law enforcement. For further information on busing behavioral procedures see under Code of Conduct section.

Cell Phones and Other Electronic Communication Devices

The Duluth Public Schools holds high expectations for student behavior, academic integrity, and responsible use of existing and emerging technologies. Students who possess cell phones and other personal electronic devices at school or school-sponsored events shall demonstrate the greatest respect for the educational environment and for the rights and privacy of all individuals within the school community.

At Duluth Public Schools every school participates in Away for the Day, which means that students will not have access to their cell phones from first bell to last bell. We ask that families help by reinforcing this message at home. As always, our school has a landline phone in every class and office space so that a message can be delivered to a student during the day.

Students who have earbuds in, cellphones out of their locker or smart watches on during the school day will be asked to leave their devices at home for the remainder of the quarter.

Students also are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by school district 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 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. Students who use an electronic communication device during the school day and/or in violation of school district policies may be subject to disciplinary action pursuant to the school district's discipline policy. 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.

Cell phone and camera use is prohibited in all bathrooms, locker rooms, and other areas where a student's privacy could be violated.

Dress and Appearance

The staff, students, parents, and the Duluth Public Schools community recognized the importance and necessity for students' attire to be respectful and appropriate for school. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and in a manner that does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size. Duluth Public Schools expects that all students will dress in a way that is appropriate for the school day or for any school sponsored event. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities.

The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s). The school district supports student attire that reflects their personal style and identity; that fosters a welcoming, safe, and respectful environment for all students, and the dress code celebrates and embraces the diversity and inclusion of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size as long as it doesn't interfere with the health, safety, and educational opportunities for students. Any restrictions to the way a student dresses must be necessary to support the overall educational goals of the school and must be explained within this dress code.

For detailed information on dress and appearance, see the "Student Dress and Appearance Policy" (Appendix L).

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. The school district will discipline or take appropriate action against anyone who violates this policy.

District 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 the school district's "Student Medication" policy. The school district will provide an instructional program in every elementary and secondary school on chemical abuse and the prevention of chemical dependency.

Harassment and Violence Prohibition

The school district 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, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. Detailed information on the school district's "Harassment and Violence Prohibition" policy is included in this handbook (Appendix H).

Harassment, Violence, and Bullying Behavior

Duluth Public Schools is committed to creating and maintaining a learning and working environment where all individuals are treated with respect and dignity. Every Individual has the right to learn/work in an environment free of harassment, violence, and bullying behavior

Prevention — Preventing harassment, violence, and bullying behavior before it happens is always best. Prevention keeps us from experiencing adverse experiences in the first place, helps us focus on teaching and learning, and is an efficient and effective use of resources.
Efforts to intentionally develop a positive school climate and create positive relationships will work to prevent harassment, violence, and bullying behavior. Furthermore, academic success is directly related to school engagement and school engagement associated with peer and adult support and relationships. Nothing has a more positive impact in the life of a child than positive relationships.

Suicide Prevention — The mental health of students in Duluth Public Schools is important. Mental health is defined as how a person thinks, feels, and acts in regards to their emotional, psychological and social well-being. It helps determine how we handle stress, relate to others, and make choices. One way you can maintain good mental health is by getting professional help when you need it. Sometimes a person may experience an emotional crisis and be in need of support now. The 988 Suicide and Crisis Lifeline provides free 24/7 confidential support for people in distress. If you or someone you know needs support now, call or text 988 or chat 988Lifeline.org. Duluth Public Schools, as part of state licensing, also provides educators with training opportunities to recognize the signs and symptoms of early onset child and adolescent mental illness as well as suicide prevention.

Preparation — Preparing students, staff, and families for adverse experiences is also an important part of creating safe and welcoming environments for everyone. We should know what to do and have a plan in place to do it well. Preparation includes teaching students about these behaviors, the roles that people fulfill in an incident, what to do, and how to report it.

Response — When harassment, violence, or bullying behavior is reported or witnessed, responses include telling the person to stop, creating separation and safety, investigating incidents, planning and implementing interventions, and informing others. Each situation is unique and may require different and unique interventions, including student conferencing, parent involvement, school discipline, connection to other resources, and restorative practices.

Recovery — Even when prevention is done well and we prepare and respond effectively, students may still benefit from support and assistance in recovering from incidents of harassment, violence, and bullying behavior. Helping students recover may look different from child to child and from school to school. Schools have resources available in a crisis and can help families connect to on-going supports in the community. All schools have co-located mental health services. The focus of recovery is to return students back to regular school activity in a safe and welcoming environment.

Positive Behavioral Interventions and Supports (PBIS) — Positive Behavioral Interventions and Supports (PBIS) is an evidenced-based framework for proactive teaching of social emotional and behavioral instruction as well as supporting all students' social, emotional and behavioral needs. This approach helps schools create and sustain effective and culturally-inclusive environments that support academic and social, emotional and behavioral success for all students. Duluth Public Schools uses PBIS foundations to teach school- wide expectations and social emotional learning for all students. PBIS also positively recognizes students who meet those expectations. Additional social, emotional, or behavioral supports are provided to students as needed to ensure that students receive the services they need to meet the social emotional behavioral standards as set forth by the Minnesota Department of Education. PBIS also encourages the use of non-exclusionary discipline approaches such as utilizing a restorative approach for addressing student behavioral challenges.

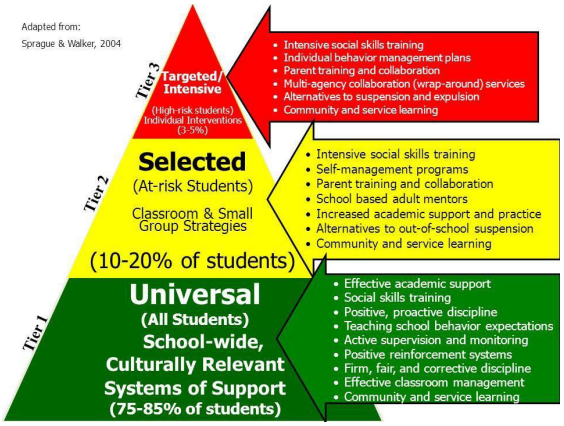
Within each school, the following systems and practices are foundational to PBIS implementation:

- Each school creates clear and consistent school-wide expectations that promote positive behavior. These expectations, which reflect the school community, values and culture, are defined, taught, modeled, reinforced and (when necessary) retaught.
- Schools also use data to guide how they teach and reinforce the expectations for individual students, groups of students, whole classrooms and school-wide.
- Social emotional learning skills are taught to all students.
- A continuum of evidence-based interventions is integrated and utilized to support the social, emotional, and behavioral success of all students.
- Data is used to identify students in need of additional social, emotional or behavioral support and match them to interventions or support needed.
- A school climate survey is administered twice annually in our schools to gather information from students, families, and staff in order to further develop our PBIS practices and systems to better meet the needs of our students and promote a positive school environment.
- Each school continually collects data and refines its systems and practices as needs change. The goal is to provide positive and equitable social, emotional, behavioral, and academic outcomes for all students.

Each school designs a three-tiered system that is aligned with the district's strategic direction:

Tier 1: All students are involved in learning about the school and classroom behavior expectations as well as foundational social emotional learning skills to meet the social emotional learning competencies as laid out by the Minnesota Department of Education. Staff members teach, model and reinforce these expectations and skills throughout the course of the school year.

Tier 2: Some students receive additional intervention or support for their needs. This may occur at times in a small group setting or within the classroom.



Tier 3: A few students receive individualized or more intensive interventions and support based on their needs, after less intensive levels of intervention have been tried.

Restorative Practices — Restorative Practices are both proactive as well as responsive interventions that are used to foster an equitable and positive school culture where relationships are central. Restorative practices are a continuum of support and may include things like proactive and community building circles, using affective statements in interactions, using restorative questions, responsive circles, conferencing, short impromptu conversations, thinking sheets, etc. In this approach, relationships are the most important way we learn about the world and ourselves.

Some schools are implementing Restorative Practices school-wide as a way to proactively build community among stakeholders. All schools have support staff trained in restorative practices in order to be able to respond to members of our school community when harm has been caused through utilizing a restorative approach. Restorative practices may replace traditional ways of approaching student behavior but still provide a space for accountability to occur through conversation when harm has been caused. In a restorative school community we believe:

- Everyone in the school community has something to contribute and deserves the right to be heard.
- We are all connected to one another.
- All of us want to have meaningful relationships with others.
- We all have talents and gifts we bring to school.
- It takes time, habits and support to build and maintain positive relationships.
- Learning can happen through conversation and through relationships.
- That empathy, kindness, caring, and good communication skills can develop through the use of restorative practices.

Social-Emotional Learning (SEL) — Social and Emotional Learning is how children and adults learn how to manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions. Departments across the district work collaboratively to support social-emotional learning. A school may choose to implement a specific Social-Emotional Learning program(s) to support academic and social success. Social-emotional learning is the process of developing the self-awareness, self-control, and interpersonal skills that are vital for school, work, and life success.

CASEL's definition — We define social and emotional learning (SEL) as an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities.

Minnesota Department of Education has adopted CASEL's social emotional learning 5 competencies:

Mental Health & Wellness — Mental Health refers to how a person thinks, feels, and acts in regards to their emotional, psychological, and social well-being. It helps determine how we will handle stress, relate to others, and make choices. The Duluth School District supports student mental health by creating social and emotional learning opportunities in addition to supporting access to mental health services through internal supports as well through community based providers. These supports strive to create a safe learning environment, maximize collaboration between students and adults, create trusting relationships, and empower students to do their best.

Reporting Harassment, Violence, and Bullying Behavior — Harassment, violence, and bullying behavior is a concern across our nation and here in Duluth. Reducing this behavior is important to Duluth Public Schools and we take any allegations of this seriously.
Any time you witness or are involved in a situation involving harassment, violence, or bullying behavior it is important to report it. Help is available. Speak with your teacher, school principal, or another trusted adult at school, home, or in your community.

- If someone is hurting you verbally or physically, tell them to stop, walk away, and tell an adult
- Report it right away. A prompt response increases safety, reduces response time, and improves the results of the investigation and intervention. Reporting forms can be located at the back of this handbook or online at www.isd709.org.
- Be specific. Share who was with you or might have seen something, who said or did what, and when and where it happened. Keep text messages and social media posts that contain harassing, violent, or bullying behavior so you can show them to an adult at school.

Minnesota Law — Minnesota has passed the Safe Schools Act.

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 the school district's "Student Discipline" policy. Please see the school district's "Hazing Prohibition" policy (Appendix I).

Internet, Technology, and Cell Phone Acceptable Use

All school district students have conditional access to the school district'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 the school district's system is a privilege, not a right. Unacceptable use of the school district'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 school district policies, including, but not limited to, suspension, expulsion, or exclusion; or civil or criminal liability under other applicable laws.

A copy of the school district's "Internet, Technology, and Cell Phone Acceptable Use" policy is available at the Office of the Superintendent or on the website at www.isd709.org/about-us/policies.
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.

The school district 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 the school district'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 school district's computer system. All students who wish to use the school district's computer system must sign the Digital Learning Agreement form annually.

Parking on School District Property

Students

The school district allows limited use and parking of motor vehicles by students in school district locations subject to the following rules:
Parking a motor vehicle on school property during the school day is a privilege;

- Parking is permitted in designated areas only, by permit. For information, contact your school.;
- Students are not permitted to use motor vehicles during the school day in any school district locations unless permission has been granted to the student by the school administration;
- Students are permitted to use motor vehicles on the high school campus(es) only before and after the school day;
- Unauthorized vehicles parked on school district property may be towed at the expense of the owner or operator.

The school district may conduct routine patrols of school district properties and inspections of the exteriors of the motor vehicles of students. Interiors of students' vehicles in school district locations 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. If a search yields contraband, school officials may seize the item and may turn it over to legal authorities when appropriate. A student who violates this policy may be subject to withdrawal of parking privileges and/or discipline according to the school district's "Student Discipline" policy (Appendix E). Please see the parking agreement/permit application form for specific site related information.

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

School district 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, electronic delivery devices, THC, CBD, or marijuana 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 school district discipline. For detailed information on the school district's "Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction" policy, see Appendix J. Contact the building principal if you have questions or wish to report violations.

A limited exception to the tobacco prohibition exists for adult members of an Indian tribe, as defined under Minnesota law, who may light tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony.

Weapons Prohibition

No person will possess, use, or distribute a weapon when in a school location except as provided in school district 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; air guns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; 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. The school district 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 building principal 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 school district discretion on a case-by-case basis. For a copy of the "School Weapons" policy, visit isd709.org/about-us/policies.

Standards of Conduct

Standards of conduct are developed to ensure a safe, equitable and welcoming environment that fosters growth in relationships, academics, social-emotional competency and life skills. We believe these are achieved through a culture that promotes positive relationships, mutual respect, repairing harm, and a belief in the potential of all members while engaging with families and community as partners.

Disciplinary policies within the elementary and secondary schools shall be enforced within the general guidelines as set forth in the grid below. These guidelines are designed to prevent student's inappropriate behavior from recurring through use of environmental, instructional, and/or restorative intervention and represent the majority of incidents that occur in schools. However other incidents may occur which warrant disciplinary action.

These guidelines describe the various administrative actions that may be taken for incidents that violate school district standards of conduct and/or the law. The listing of guidelines does not require that a 'step by step' progression of increasing severity be employed by an administrator when addressing an incident.

Behavioral incidents requiring Office intervention will be documented as an office discipline referral in Infinite Campus under the student behavior tab. Out of school suspension is used for the purpose of creating separation and safety for further investigation and intervention planning in response to a behavioral incident. At all age levels, use of suspension should be paired with environmental, instructional, and/or restorative intervention. For students with a history of violent behavior, staff will be notified per Policy 5022.

The Principal's discretion regarding the enforcement of policy will be used when age, culture, and development/ability are factors in behavioral issues. There should be a logical relationship between the severity of the offense and the administrative action. Behaviors are grouped into four levels for the purpose of consistency and organization. Some behaviors will be severe or egregious enough to warrant disciplinary actions corresponding with a higher level. The Assistant Superintendent will be consulted if any site desires to implement discipline which exceeds the minimum guidelines.

Busing infractions will follow the four levels listed below based on the incident and additional discipline will follow the Code of Conduct. Separately or in addition to, bus conduct can result in removal from the bus.

Students are subject to all school disciplinary actions or violations while in a school zone. A school zone is defined as an area that begins at the boundaries of the school property and extends three hundred feet from that point, or one city block, whichever is greater. This zone includes school bus stops and the area within a school bus being used to transport one or more elementary or secondary school students. This zone also includes district contract parking.

Duluth Public Schools Major & Minor Behavior

	LEVEL	TYPE OF BEHAVIOR	ACTION	MANAGED BY
MINOR	1	Incidental Violations	Not Recorded	Staff/Teacher
	2	Minor Violations	Minor Referral Form	Staff/Teacher
MAJOR	3	Major Violations	Major Referral Form	Staff/Administration
	4	Critical Incident Violations	Major Referral Form	Administration/Office

Staff/Teacher Managed		Administration/Office Managed	
Level 1 - Incidental *Doesn't significantly violate the rights of others. Doesn't put others at risk. Not chronic.* • Consensual display of affection • Dress Code • Horseplay • Loud noise • Minor arguments • Missing homework • Noise making • Out of seat • Refusal to follow directions (non chronic) • Running in hallway • Transportation (see charts below) • Unprepared for class • Unapproved Food & Drink	**Level 2 - Minor** *Doesn't significantly violate the rights of others. Doesn't put others at risk.* • Academic dishonesty • Avoiding staff • Cell phone violation • Defiance • Disrespect • Disruption • Inappropriate language • Interruptions • Leaving assigned area • Misuse of technology • Property misuse • Refusal to follow directions • Refusal to participate in class • Transportation (see charts below)	**Level 3 - Major** *Violates the rights of others. Puts self or others at risk, or chronic* • Attendance issues • Bullying/Cyberbullying • Extortion • Forgery/plagiarism • Gambling or unapproved sales • Gang display • Harassment • Hazing • Intimidation • Leaving building without permission • Minor property damage/vandalism • Photographic or recording misuse • Physical aggression • Record and identification falsification • Repeated or prolonged defiance or disrespect • Technology violation • Theft • Threats/intimidation • Tobacco / Nicotine Delivery Systems • Transportation (see charts below) • Verbal aggression/abusive language	**Level 4 - Critical Incident** *Poses a significant threat to the safety and well-being of self or others, results in serious harm or chronic. Require immediate intervention and may involve law enforcement and/or consideration for expulsion* • Arson • Assault • Bomb threats • Fighting • Gang activity • Homicide • Illegal or prescription drug, alcohol THC, CBD or marijuana possession • Pyrotechnics • Robbery • Sexual assault • Significant property damage/ vandalism • Transportation (see charts below) • Terroristic threats • Trespassing • Weapon possession

Note for reader: Behavior can be challenging to define & quantify. For some of these listed behaviors the severity, frequency, or duration may impact where it should be listed under. In cases that pose as challenging or confusing, please reach out to the administrator. ***Just as in the Code of Conduct, administration discretion must be taken into account.***

K-3 Behavior Violations and Leveled Response				
	Level 1 — Incidental	**Level 2 — Minor**	**Level 3 — Major**	**Level 4 — Critical Incident**
Incident 1	Behaviors are managed by the person supervising the area, no office discipline referral needed	Conference with student; document as a minor behavior	Conference with student; Notification of parent(s) and/ or guardian(s); document as a major behavior	Notification of parent(s) and/ or guardian(s); consideration of a restorative intervention; possible referral to building resources; possible IIU report Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion
Incident 2	Behaviors are managed by the person supervising the area, no office discipline referral needed	Conference with student; Notification of parent(s) and/ or guardian(s); document as a minor behavior	Conference with student; Notification of parent(s) and/ or guardian(s); document as a major behavior	Notification of parent(s) and/ or guardian(s); consideration of a restorative intervention; possible referral to building resources; possible IIU report Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion
Incident 3	Behaviors are managed by the person supervising the area; a office discipline referral may be needed; consideration of parent notification and/or staff intervention	Conference with student; Notification of parent(s) and/ or guardian(s); document as a minor behavior; possible referral to building resources	Notification of parent(s) and/ or guardian(s); consideration of a restorative intervention; possible referral to building resources; document as a major behavior	Notification of parent(s) and/ or guardian(s); consideration of a restorative intervention; possible referral to building resources; possible IIU report Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion

**Chronic or repeated offenses in a certain behavioral level may result in discipline listed from a higher behavioral level and/or extension of response.*

4-5 Behavior Violations and Leveled Response				
	Level 1 — Incidental	**Level 2 — Minor**	**Level 3 — Major**	**Level 4 — Critical Incident**
Incident 1	Behaviors are managed by the person supervising the area, no office discipline referral needed	Conference with student; document as a minor behavior	Conference with student; Notification of parent(s) and/ or guardian(s); consideration of 1 day suspension and/ or restorative intervention; document as a major behavior	Notification of parent(s) and/ or guardian(s); consideration of 1-2 day suspension and/ or restorative intervention; possible referral to building resources; possible IIU report Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion

4-5 Behavior Violations and Leveled Response				
Incident 2	Behaviors are managed by the person supervising the area, no office discipline referral needed	Conference with student; Notification of parent(s) and/ or guardian(s); document as a minor behavior	Notification of parent(s) and/ or guardian(s); consideration of 1-2 day suspension and/ or restorative intervention; document as a major behavior	Notification of parent(s) and/ or guardian(s); consideration of 1-3 day suspension and/ or restorative intervention; possible referral to building resources; possible IIU report Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion
Incident 3	Behaviors are managed by the person supervising the area; a office discipline referral may be needed; consideration of parent notification and/or staff intervention	Conference with student; Notification of parent(s) and/ or guardian(s); document as a minor behavior; possible referral to building resources	Notification of parent(s) and/ or guardian(s); consideration of 1-3 day suspension and/ or restorative intervention; possible referral to building resources; document as a major behavior	Notification of parent(s) and/ or guardian(s); consideration of 1-5 day suspension and/ or restorative intervention; possible referral to building resources; possible IIU report Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion

**Chronic or repeated offenses in a certain behavioral level may result in discipline listed from a higher behavioral level and/or extension of response.*

6-12 Behavior Violations and Leveled Response				
	Level 1 — Incidental	**Level 2 — Minor**	**Level 3 — Major**	**Level 4 — Critical Incident**
Incident 1	Behaviors are managed by the person supervising the area, no office discipline referral needed	Conference with student; document as a minor behavior	Conference with student; Notification of parent(s) and/ or guardian(s); consideration of 1-2 day suspension and/ or restorative intervention; document as a major behavior Consideration to refer to law enforcement and/or consideration for expulsion.	Notification of parent(s) and/ or guardian(s); consideration of 1-5 day suspension and/ or restorative intervention; possible referral to building resource Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion
Incident 2	Behaviors are managed by the person supervising the area, no office discipline referral needed	Conference with student; Notification of parent(s) and/ or guardian(s); document as a minor behavior	Notification of parent(s) and/ or guardian(s); consideration of 1-3 day suspension and/ or restorative intervention; document as a major behavior Consideration to refer to law enforcement and/or consideration for expulsion.	Notification of parent(s) and/ or guardian(s); consideration of 1-5 day suspension and/ or restorative intervention; possible referral to building resource Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion

6-12 Behavior Violations and Leveled Response				
Incident 3	Behaviors are managed by the person supervising the area; a office discipline referral may be needed; consideration of parent notification and/or staff intervention	Conference with student; Notification of parent(s) and/ or guardian(s); document as a minor behavior; possible referral to building resources	Notification of parent(s) and/ or guardian(s); consideration of 1-5 day suspension and/ or restorative intervention; possible referral to building resources; document as a major behavior Consideration to refer to law enforcement	Notification of parent(s) and/ or guardian(s); consideration of 1-5 day suspension and/ or restorative intervention; possible referral to building resource Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion

**Chronic or repeated offenses in a certain behavioral level may result in discipline listed from a higher behavioral level and/or extension of response.*

Transportation Behavior Levels and Consequences

See Major and Minor list above for offenses correlating to certain behavioral levels. The bus is a continuation of the classroom. ***Note for reader:*** *Behavior can be challenging to define & quantify. For some of these listed behaviors the severity, frequency, or duration may impact where it should be listed under. In cases that pose as challenging or confusing, please reach out to the administrator.* ***Just as in the Code of Conduct, administration discretion must be taken into account.*** *Transportation department will notify school sites within 24 hours. School personnel may include site clericals, administration, and/or support staff. A 6-12 grade student has access to the DTA via their student ID if removal is required*

	Level 1 — Incidental	**Level 2 — Minor**	**Level 3 — Major**	**Level 4 — Critical Incident**
Incident 1	Addressed with de-escalation, support and/or direction	Conference with student; document as a minor behavior	Notification of School Personnel; Parent Notification; Document behavior	Notification of School Personnel; Parent Notification; Document behavior; Possible 1-5 day bus suspension Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion
Incident 2	Addressed with de-escalation, support and/or direction	Addressed with de-escalation, support and/or direction; and/or notification of school personnel	Notification of School Personnel; Parent Notification; Document behavior	Notification of School Personnel; Parent Notification; Document behavior; Possible 1-10 day bus suspension Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion
Incident 3	Addressed with de-escalation, support and/or direction; and/or notification of school personnel	Addressed with de-escalation, support and/or direction; and/or notification of school personnel; Document behavior; Possible 1-5 day bus suspension	Notification of School Personnel; Parent Notification; Document behavior; Document behavior; Possible 1-5 day bus suspension	Notification of School Personnel; Parent Notification; Document behavior; Possible 1 month bus suspension Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion

Incident 4	Addressed with de-escalation, support and/or direction; and/or notification of school personnel	Addressed with de-escalation, support and/or direction; and/or notification of school personnel; document repeated behavior; Possible 1-5 day bus suspension	Notification of School Personnel; Parent Notification; Document behavior; Possible 1-10 day bus suspension	Notification of School Personnel; Parent Notification; Document behavior; Possibility of bus privileges being revoked for up to a school year Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion
Incident 5	Addressed with de-escalation, support and/or direction; and/or notification of school personnel; Possible 1-5 day bus suspension	Notification of School Personnel; Parent Notification; Document repeated behavior; Possible 1-10 day bus suspension	Notification of School Personnel; Parent Notification; Document behavior; Possible 1 month bus suspension	Notification of School Personnel; Parent Notification; Document behavior; Possibility of bus privileges being revoked for up to a school year Consideration and in certain instances required to refer to law enforcement and/or referral to expulsion

Behavior Levels and Definitions

LEVEL 1

Behaviors are safe but disruptive to learning and addressed with simple de-escalation, support and/or direction

- Staff use school wide and classroom practices to promote the development and use of behaviors that contribute to a safe, equitable, and welcoming school
- Staff observe the behavior, use a range of strategies to support the student(s) or de-escalate the situation, determine communication and documentation
- Behaviors are managed by the person supervising the area, no office discipline referral needed - referred as 'teacher managed' or 'incidental' behavior and not addressed further in this grid.

LEVEL 2

Behaviors that do not significantly violate the rights of others. Doesn't put others at risk.

- Staff observe behavior, use a range of strategies to support the student(s) or de-escalate the situation, gain assistance if needed, write a 'minor' office referral, and use supportive and/or restorative practice intervention as needed
- A more focused behavioral response or targeted intervention beyond response to the immediate incident may be warranted depending on the situation.

Behavior and Description

ACADEMIC DISHONESTY - A student shall not cheat in any form on school grounds or in any school related activity. This includes plagiarizing (copying from print, the Internet, or other electronic resources, purchasing or copying another person's work, and paraphrasing without citing the source and the unapproved use of generative AI). Repeated offenders may lose credit for the course.

CELL PHONES OR ELECTRONIC MOBILE DEVICES - Students may not use cell phones or personal electronic mobile devices during class time unless it is determined by the teacher that it is required for curriculum/course content. Schools will not be responsible for lost, damaged or stolen devices. School administration will not spend time investigating any lost or stolen electronic devices

DISRUPTIVE/DISORDERLY CONDUCT AND INSUBORDINATION - A student shall not participate in actions, on or off campus, that interfere with the rights of others to an education, instruction, and/or with the effective operations of the school. Such actions include but are not limited to: Disruption: Any behavior that significantly interrupts the education, instruction or effective operations of the school and or classroom (and is not better coded as another behavior). Some examples of disruptive behavior include: Offensive language or gestures, profanity, explosive outbursts of rage. Leaving the classroom without permission or school grounds without proper authorization. Consensual intimate sexual behaviors. Distributing unauthorized materials on school property. Play-fighting, which can appear real and/or alarm students and staff and/or lead to real conflicts or injuries. Insubordination: Persistent refusal to follow school rules or regulations, persistent refusal to follow directions given by a staff member or persistent confrontational and aggressive arguing with a staff member.

This also includes: avoiding staff, inappropriate language, interruptions in class, leaving assigned areas, refusal to follow directions, and refusal to participate in class.

PROPERTY MISUSE - Inappropriate use of equipment and school property, such as (but not limited to) computers, textbooks, music equipment, etc

MISUSE OF TECHNOLOGY -This includes being off-task, treating Chromebooks carelessly and airdropping material without permission

MOTOR VEHICLE INFRACTIONS -
1. Parking - Distribution of parking permits and parking fees are determined on a site by site basis. A student shall not park in an unauthorized area on school property or park on school property without a valid school permit, or violate any school district policy with his/her vehicle. 2. Reckless or Careless Driving - A student shall not drive on or near school property in such a manner as to endanger persons or property. 3. Student vehicles may not display or promote illegal activities or substances. This includes any symbols or graphics that are affiliated with hate groups (Example: confederate flag or swastika).

LEVEL 3

Behavior that may be illegal, disrupts the educational environment, student learning or staff working with significant risk of/harm to self or others.

- Staff observe behavior, gain assistance, de-escalate the situation, ensure separation and safety, write office referral and use support intervention and/or restorative practice intervention as needed.
- Out of School Suspension, if used, is for the purpose of safety and intervention planning

Behavior and Description

BULLYING - Bullying means intimidating, threatening, abusive, or harming conduct that is objectively offensive and: • There is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and • The conduct is repeated or forms a pattern; or • The conduct materially and substantially interferes with a student's educational opportunities, performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. Note: Bullying and conflicts are different. Conflicts are to disagree, argue, or fight. Conflicts have an increased balance of power, are usually spontaneous, and mutual. See the Bullying Prohibition Policy 514 for further information.

CYBER BULLYING - Cyber Bullying 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, website, or forum – that is transmitted through a computer, cell phone, or other electronic device. See "Bullying" violation or for bullying definition the Bullying Prohibition Policy 514 for further information

EXTORTION - A student shall not obtain property from another by verbal intimidation.

FORGERY/PLAGIARISM - Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests and using the ideas or writings of another person without giving due credit to the creator of the work. This includes work accessed digitally.

GAMBLING OR UNAPPROVED SALES - A student shall not gamble or sell any items for profit that are not school sanctioned in any form on school grounds or at any school related activity.

Gang Display

HARASSMENT - Physical or verbal conduct that: Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment. Or, has the purpose or effect of substantially interfering with an individual's work, business, or academic performance. Harassment may be sexual, related to "protected groups" (Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age, Gender Identity, Gender Expression, and Any and All Other Protected Groups as identified by state and/or federal statute) or general. Refer to Policy 413 and Regulation 413R Prohibiting Harassment and Violence for further information.

HAZING - "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. "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. Refer to Policy 526 Hazing Prohibition.

INTIMIDATION/THREAT - A student shall not use words or gestures to intimidate or incite fear in another person. Note: Differentiate from harassment with consideration of any sexual comments or behavior and/or inclusion or perceived inclusion in any "protected group". Note: As with all investigations regarding student behavior, include contextual factors and cultural considerations in the investigation, determination and resolution of any potential threat or act of intimidation.

LEAVING SCHOOL BUILDING/GROUNDS WITHOUT PERMISSION - Leaving school building/grounds during school hours without staff permission

MINOR PROPERTY DAMAGE/VANDALISM - Intentional damage to property belonging to or used by the school district. This also includes intentional damage to hardware, software or other equipment belonging to or used by the school district; or Intentional damage to the property of staff members or others.

PHOTOGRAPHIC OR RECORDING DEVICE MISUSE - Use of any photographic or recording device, film camera, digital camera, cell phone camera and video camera that impinges upon the rights of others is prohibited. Use of device that incites or encourages violence is prohibited. This prohibition includes the distribution of a picture(s)/recording that impinges upon the personal privacy of another. Also included is the creation, possession, or dissemination of sexually explicit images, videos, text messages or emails, usually by digital medium. Receipt of inappropriate data should be reported to Administration immediately. Use of any device in a school locker room, school bathroom or elsewhere in a way that violates the personal privacy of the individual may result in the immediate initiation of the expulsion process dependent upon severity of violation. Upon investigation by administration evidence may be reported to law enforcement and/or St. Louis County Initial Intervention Unit (IIU).

PHYSICAL AGGRESSION - An intentional act by a student resulting in bodily harm

TECHNOLOGY VIOLATION - Data tampering, unauthorized use of data, violations of Policy 524 - Internet, Technology, and Cell Phone Acceptable Use and Policy 524.1R - Artificial Intelligence (AI) Tool Use (e.g. software modification or copyright violation, any attempt to install or use software that has not been approved by the district, violation of district network security, hardware damage/vandalism, etc.) is prohibited.

RECORD AND IDENTIFICATION FALSIFICATION - A student shall not falsify signatures or data, refuse to give proper identification, give false identification when requested to do so by a staff member, or give a false name or date of birth to police.

THEFT - A student shall not intentionally take, use, transfer, conceal, or retain possession of personal property of another without the other's consent and with intent to deprive the owner permanently of possession of the personal property.

THREATS/INTIMIDATION - Any expression of intention to cause harm or violence to another person or another's property that is delivered by someone in immediate physical proximity to the person being threatened. The potential for immediate harm or violence must exist.

TOBACCO/NICOTINE DELIVERY SYSTEMS - Smoking and the use of nicotine delivery system products or tobacco related devices including electronic cigarettes shall be prohibited on school district facilities. School district facilities include school buildings, school grounds, school owned and leased vehicles, and sites leased by the school district. No one will use nicotine delivery systems or tobacco related devices while in or on school district facilities. In addition, it is prohibited to have nicotine delivery systems or tobacco related devices in public sight while in or on school district facilities. Exception - (MN Statute 144.4169) It shall not be a violation of this policy for an American Indian adult to light tobacco in a public school as part of a traditional Indian spiritual or cultural ceremony, or to carry loose tobacco in a tobacco pouch intended for spiritual or cultural ceremonial support. It shall not be a violation of this policy for an American Indian student to carry loose tobacco in a tobacco pouch intended for spiritual or cultural ceremonial support with the permission of the student's parent or guardian and with written or verbal notice to the site administrator or principal.

VERBAL ABUSE - A student shall not engage in name calling, insults, or otherwise obscene or harmful language/comments directed at someone or a group of people. Note: Need to differentiate from threats, bullying, harassment, and disruption/insubordination.

LEVEL 4

Behaviors that pose a significant threat to the safety and well-being of self or others, or result in serious harm. These incidents often require immediate administrative intervention and may involve law enforcement depending on the specific circumstances and legal requirements

- Staff observe behavior, gain assistance, de-escalate the situation, ensure separation and safety, contact support staff and/or authorities, write office referral and use support intervention and/or restorative practice intervention as needed.
- Out of School Suspension is used for the purpose of safety and intervention planning.
- Consider expulsion.

Behavior and Description

ALCOHOL - A student shall not possess, use, transmit, or be under the influence of alcoholic beverages of any kind: • On school grounds immediately before, during, or after school hours. • On school grounds at any time when the school is being used by any school group. • Off school grounds at a school activity, function, or event. • On any district-provided transportation. In a school zone as defined by Minnesota Statutes.

ARSON - 1. "Arson" is the intent or intentional destruction of or damage to any school building, school or personal property, injury to persons by means of fire or explosives. This includes all behaviors within the 'school zone' on school-sponsored/supervised activities. 2. Failure to exercise ordinary caution resulting in fire within any area identified in #1 above, damage to school or personal property, or injury to person(s). 3. False alarm or tampering with any part of a fire suppression system (including, but not limited to sprinklers, fire alarms, smoke detectors, fire extinguishers, or any other part of the fire suppression system). Giving a false alarm (police, fire, ambulance, 911) or tampering or interfering with any fire alarm system. 4. Matches, lighters, and other fire starting materials are not allowed on school premises.

ASSAULT - "Assault" is acting to cause fear in another of immediate bodily harm or death or intentionally inflicting or attempting to inflict bodily harm upon another

ASSAULT SEXUAL - "Sexual Assault" means "sexual contact" or "sexual penetration" without "consent," as those terms are defined in Minnesota Statutes Section 609.341.

BOMB - A student shall not possess or commit crimes of violence using explosive devices including, but not limited to, bombs, grenades, rockets and mines. This also means devices that produce a chemical reaction that result in destruction

BOMB THREAT - A student shall not threaten directly or indirectly, to commit any crime of violence with purpose to cause an emergency response of a school building or grounds or a school-related activity.

FIGHTING - "Fighting" is mutual combat in which both parties have contributed to the situation by verbal and/or physical action
GANG ACTIVITY - Gang activity is strictly prohibited. A "gang" is herein identified as any group that participates in disruptive, intimidating, illegal, and/or violent activities as defined in this policy. This includes gang symbols, gestures, and attire.
HOMICIDE - A student shall not commit homicide, which means the killing of one human being by the act, procurement, or omission of another.
ILLEGAL DRUG, PRESCRIPTION DRUG, THC, CBD, MARIJUANA - A student shall not possess, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, intoxicants of any kind, look-alike drugs, or substances that may have the appearance of an illegal substance, such as catnip, oregano, flour, saccharin, or other items or paraphernalia: • On school grounds immediately before, during, or after school hours. • On school grounds at any time when the school is being used by any school group. • Off school grounds at a school activity, function, or event. • On any district-provided transportation. • In a school zone as defined by Minnesota Statutes.
CONTROLLED SUBSTANCE (Prescription) - A student shall not possess, use, transmit or be under the influence of a controlled substance that is not prescribed to the student by a licensed health care professional: • In a school zone as defined by Minnesota Statutes immediately before, during, or after school hours. • On school grounds at any time when the school is being used by any school group. • Off school grounds at a school activity, function, or event. • On any district-provided transportation. Refer to Regulation 6180R – Procedures of Administration of Medication During the School Day
PYROTECHNICS - A student shall not possess or detonate fireworks
ROBBERY - A student shall not obtain property from another by use of force or threat of force.
TERRORISTIC THREATS - A student shall not threaten to commit any crime of violence with the purpose to terrorize another person(s).
TRESPASSING - A student shall not be physically present in a school building without permission, after being requested to leave by a school official, or after suspension or expulsion.
VANDALISM/PROPERTY RELATED - 1. A student shall not willfully cut, deface, or otherwise damage in any way any property, real or personal. This includes school buses. 2. A fee will be charged for lost or destroyed textbooks, workbooks, library books or other school property.
WEAPON - "Dangerous weapon" means any firearm, whether loaded or unloaded, knives, stun guns, martial arts instruments, mace, any device designed as a weapon, or any other device or instrument which in the manner it is used or intended to be used is likely to produce death or great bodily harm. This includes any lookalike object that may have the appearance of a weapon or dangerous instrument. A student shall not knowingly possess, store, handle, transmit, use, or encourage or aid any other student to possess, store, handle, or transmit these weapons in: • Any school building. • On any school premises. • On any school-provided transportation. • Off the school grounds at any school-related activity, event, or function. • In a school zone as defined by Minnesota Statutes.

Definitions of interventions and Disciplinary Actions

ANTECEDENT BASED & ENVIRONMENTAL INTERVENTIONS - Ways to change the environment that promote an increase of pro-social behaviors and simultaneously reduce the possibility of challenging behaviors to occur.

DETENTION - A student may be asked to come before school, stay in during lunch, or remain after school by a teacher or principal for the purpose of correcting a violation. Any student who is instructed to report before or after school but is unable must obtain permission from the teacher or principal. Reasonable attempts will be made to contact parent(s) or guardian(s) prior to implementation.

EXPULSION OR EXCLUSION - "Expulsion" means a School Board action to prohibit an enrolled student from further attendance for up to twelve months from the date the student is expelled. "Exclusion" means an action taken by the School Board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. Expulsion and exclusion proceedings shall be in accordance with M.S. 121A.41, The Pupil Fair Dismissal Act. A School Board may expel for a period of at least one year a student who is determined to have brought a firearm to school. For the purposes of this section, a firearm is as defined in United States Code, Title 18, Section 921. In accordance with M.S. 121A.41, The Pupil Fair Dismissal Act, a student and his/her parent(s) or guardian(s) shall be served personally or by mail with notice of the expulsion hearing. The hearing will be held within ten days of service of the written note, unless continued pursuant to the statute. The recommendation of the hearing officer shall be made to the School Board within two days of the end of the hearing. The decision of the School Board shall be rendered at a special meeting within five days after receipt of the recommendation of the hearing officer. The student shall receive due process as set forth in M.S. 121A.41, The Pupil Fair Dismissal Act.

IN-SCHOOL SUSPENSION - An action by school administration where a child is temporarily removed from his or her regular classroom(s) but remains under the direct supervision of school personnel.

ALTERNATIVE TO SUSPENSION - An intensive space to support students in lieu of suspension. Programming is focused heavily on restorative interventions and social emotional learning support to provide students with skill building opportunities, de-escalation, problem-solving and harm repair. This programming could look differently based on the services needed at a school building from a very intensive space/program to a less intensive space.

OUT-OF-SCHOOL SUSPENSION - An action by school administration prohibiting a student from attending school for a period of no more than 10 days. Each suspension action may include a re-entry meeting and readmission plan.

PARENT(S) OR GUARDIAN(S) CONFERENCE - A parent(s) or guardian(s) conference is required if a student has committed a serious rule violation or has been suspended out of school. If a parent or guardian is unable to be present, the principal shall contact the parent(s) or guardian(s).

REFERRAL TO SCHOOL BEHAVIOR TEAM OR CHILD STUDY TEAM - Schools use a multi-tiered system of support. Students can be referred to a small school team for academic or social-emotional-behavioral interventions. The process varies a bit at each school but includes a brief meeting, determining an intervention, trying it for approximately

30 school days, and reviewing outcomes.

REFERRAL TO COMMUNITY SERVICE(S) - School staff may work with parents or guardians to support the consideration of accessing community services. The process of helping a family connect to a community service, sharing information (with permission), or making introductions to a community service are all part of a "referral".

REFERRAL TO JUVENILE AUTHORITIES - If a student's behavior may be a violation of law, the principal or designated representative may contact juvenile authorities or police. If the officer indicates that he/she is arresting the student, with or without a warrant, he/she shall have complete jurisdiction and responsibility in the matter and the principal shall not interfere with the student's removal from the building. The student will, in all cases, be accorded the rights of due process.

RESTORATIVE PRACTICES - Restorative practices are an approach used with students that promotes inclusivity of all through relationship-building and problem-solving. Methods such as circles, restorative chats, mediations and conferencing may be used to resolve issues or conflicts as they arise and to bring those harmed, those who harmed, and their supports together to address any wrongdoings. Through this process, students are encouraged to reflect on and take responsibility for their actions and come up with plans to repair harm. Unlike punishment, when using restorative practices we attempt to resolve issues "with" students rather than doing something "to" them or "for" them.

RISK SCREENING & REFERRAL FOR ASSESSMENT - Students deemed to be a threat to themselves and/or others may be asked to undergo a risk screening and/or formal risk assessment by a district approved mental health professional before being readmitted to school.

REFERRAL TO BUILDING AND DISTRICT RESOURCES - Referral to building and district resources is to be made by school personnel, parent(s) or guardian(s), or community agencies. The parent(s) or guardian(s) shall be consulted if any special services are to be made available to a student. Reasonable attempts will be made to contact parent(s) or guardian(s) regarding referrals to building and district resources.

REMOVAL FROM CLASS - All students have the right to learn and teachers the right to teach. Disruption to the learning process may result in the loss of privilege to remain in the class. This removal is limited to a reasonable time-frame to be reinstated upon an agreed solution with the instructor and principal as necessary. Students shall be allowed the privilege of making up daily work, including tests and final exams, upon their return to class. Removal from class or dismissal for the day of students with disabilities is also governed by the Individuals with Disabilities Education Act, M.S. 125A.03, and Minnesota Rules. See the section of this policy entitled "Students with Disabilities."

TEACH / RETEACH / REINFORCE DESIRED SKILL OR BEHAVIOR - To identify and provide instruction of new skills or behaviors to replace challenging or harmful behaviors. New behaviors are most effective when considered "functional" and meet the same needs as the challenging or harmful behavior. Reinforcement of a desired skill or behavior is anything that comes after the behavior that makes it more likely to be used again. Reinforcement may be a tangible item or activity, verbal or non-verbal recognition, the experience of learning something new, or simply meeting the initial need.

TIER 2 FUNCTIONAL BEHAVIOR ANALYSIS AND BEHAVIOR SUPPORT PLAN - An attempt to determine the function or purpose of a behavior through interviews, review of available information and data, and maybe observation. The idea is to then create a plan to support desired behaviors that meet the same needs in a more pro-social manner.

ADDITIONAL INFORMATION:

INFORMATION AND REVIEW PROCESS – Students, parent(s) or guardian(s) who wish to discuss concerns or review disciplinary actions, except for expulsion or suspension, may request a conference with school personnel. It is recommended that conferences occur between personnel closest to the concern and be solution-based toward district aims and vision.

SCHOOL ZONE - Students are subject to all school disciplinary actions or violations while in a school zone. A school zone is defined as an area that begins at the boundaries of the school property and extends three hundred feet from that point, or one city block, whichever is greater. This zone includes school bus stops and the area within a school bus being used to transport one or more elementary or secondary school students. This zone also includes district contract parking.

STUDENT CONFERENCE - Depending on the violation and the seriousness of the action, a student may meet with the principal and/or a teacher to discuss the incident. During this conference, students may be asked to formulate a plan which addresses their behavior and a commitment to solutions for improvement

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 building nursing staff.. Parents/guardians of an injured student will be notified as soon as possible. If the student requires immediate medical attention, the principal or other district leader will call 911 or seek emergency medical treatment and then contact the parent(s).

Asbestos Management Plan

The school district has developed an asbestos management plan. Contact the District Health, Safety, and Environmental Coordinator for a copy.

Crisis Management

The school district has developed an Emergency Operations Plan (EOP). Each school building has its own building-specific crisis management plan, which is

included as an addendum to the EOP. Students and parents will be provided with relevant information as to district- and school-specific plans via the school website Safe & Welcoming page, isd709.org/about-us/safe-and-welcoming.

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

Emergency Contact Information

When there is an emergency within a school building or the district, parents/guardians will be notified through the district's emergency notification mass communication system. Parents/guardians will receive a text message, phone call and email regardless of opt-out communication requests.

Please note that students can only be released to a listed Emergency Contact in the case of a reunification. For more information please see "Reunification" on the Safe & Welcoming web page: isd709.org/about-us/safe-and-welcoming.

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 may be called and/or a parent/guardian will be contacted depending on the situation.

The district has installed automated external defibrillators (AEDs) in each building. Locations of AEDs are indicated on the building map located in each entry vestibule. Tampering with any AED is prohibited and may result in discipline.

The district has naloxone (Narcan®) in each building in case of an opioid overdose. Locations of naloxone are known by trained staff. Tampering with naloxone 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.

Please call your school health office to report the following health conditions: COVID-19, Chickenpox, Strep Throat, Influenza, Head Lice, Mumps, Measles, Meningitis, Pertussis (Whooping Cough).

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 school district employees. The school district 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

Research has shown that students with an optimal level of wellness are more receptive to the learning process. Therefore, Duluth Public Schools health service staff strive to promote the health of students and promote a healthy school environment. The primary goal of health services is to eliminate/minimize health related barriers to learning. To accomplish this, health service staff, as part of the school team, works to:

- Promote student and staff wellness.
- Provide skilled nursing.
- Protect students' well being.
- Enhance healthy behaviors.
- Encourage self-care.
- Assess and communicate student health concerns through referral to parents/guardians.

The Licensed School Nurse provides leadership of the daily health office operations, promotes health equity by connecting students and families to community health resources, and maintains continuity of care between home, medical provider, and school through medical and educational planning. The Licensed School Nurse also provides health assessment and planning throughout the Special Education process.

Health Assistants provide students with daily health services through medication administration, first aid for illness and injury, and skilled nursing procedures under the delegation of the Licensed School Nurse.

WHEN TO KEEP YOUR CHILD HOME

Many students and parents are frequently concerned about when students should stay home or attend school. The following information is intended to help with this decision. General practice:

- If a student has had a fever of 100 degrees or more, the student must stay home for 24 hours after the temperature returns to normal without fever reducing medication.
- If a student has vomited or had diarrhea, the student must stay home until 24 hours after the last episode.
- If a student has had any rash that may be disease-related or the cause is unknown, check with your family physician before sending the student to school.
- If a student is ill, please call the school daily to report the illness.

When a student is sick, parents often wonder whether or not to keep a child at home from school. If a child stays home and has the care they need when first sick, they will often get better faster. Staying home and resting will help the body fight the sickness. A parent/guardian should notify the school if his/her child is unable to attend school because of illness. Please contact the school attendance line.

WHEN A CHILD IS SICK AT SCHOOL

If your child becomes ill at school and needs to go home, the Health Services Staff will contact a parent/guardian. Children must call from the health office and not from their cell phones.

If staff are unable to reach parents and determine that the student must go home, emergency contacts will then be called. It's important for parents to keep emergency contacts updated and ensure that they are available during the day. Your child will not be allowed to leave school without contacting an adult.
In the event of an emergency, 911 may be called.

HEAD LICE

Anyone can get head lice. Head lice are most often transmitted through head to head contact. School transmission is rare. Some common symptoms of head lice include: itching and scratching of the scalp and neck, feeling that something is 'crawling' in the hair, sores from constant scratching, and seeing lice on the scalp or nits attached to the hair shaft. If your child has any of these symptoms, please check your child's head for lice. Also, all household members and other close contacts of the person with lice should be checked.

Should your child be found to have live lice in their hair during the school day, a parent/guardian will be contacted by a health office staff member. The students may remain in school but prompt treatment is recommended. Visit isd709.org/families/health-services for more information about head lice.

VISION AND HEARING SCREENINGS

Students may receive hearing and/or vision screening upon request from a teacher if the teacher suspects that there may be a hearing or vision concern that is affecting the student's ability to learn. If you do not wish for your child to receive vision and/or hearing screening, please inform your school health office. The screenings are not intended to replace professional examinations.

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. The school district 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 reaches the age of 18. For a copy of the immunization schedule or to obtain an exemption form or information, contact the school health office. Immunization records must be provided by Oct. 13. Student may be excluded if required immunizations have not been administered by Oct. 23. Policy 530 can be found on the district website at isd709.org/about-us/policies.

Medications at School During the School Day

The school district 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. An "Authorization to Administer Medication" 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 school district policy and procedures, medications administered as noted in a written agreement between the school district and parent or as specified in an Individualized Education Program (IEP), a plan developed under Section 504 of the Rehabilitation Act (§504 Plan), or an individual health plan (IHP). Marijuana is not allowed on school property even if prescribed. The school district is to be notified of any change in administration of a student's prescription medication.

Pesticide Application Notice

The school district may plan to apply pesticide(s) on school property. To the extent the school district applies certain pesticides, the school district will provide a notice by September 15 as to the school district'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 offices), and the long-term health effects of the class of pesticide on children can be requested by contacting the District Facilities Manager.

Safety

The safety of students on campus and at school-related activities is a high priority of the district. While district-wide safety procedures are in place, student and parent cooperation is essential to ensuring school safety. Students are expected to adhere to safety guidelines set by teachers or program staff and comply with course safety protocols. More information about our safety protocols visit isd709.org/about-us/safe-and-welcoming.

Visitors in District Buildings

As stated in district Policy 903, parents/guardians and community members are welcome to visit the schools. To ensure the safety of those in the school and to avoid disruption to the learning environment, all visitors must report directly to the office upon entering the building, with the exception of events open to the public. All visitors will be required to sign in at the office and to wear a "visitors badge" while in the building during the school day. Visitors must have the approval of the principal before visiting a classroom during instructional time. An individual or group may be denied permission to visit a school or school property, or such permission may be revoked, if the visitor does not comply with school district procedures or if the visit is not in the best interests of the students, employee, or the school district.

Students are not allowed to bring visitors to school without prior permission from the principal.

APPENDIX A

School District Policy Cross Reference Table

All district policies can be found online at isd709.org/about-us/policies

Topic	Policy Number(s)
Accidents	806
Alternative Educational Opportunities	5075
Attendance	503, 503R
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Cell Phone	5090
Class Assignments	515
Complaints	103
Course Credits Required	604
Crisis Management	806
Discipline	506
Drug-Free School and Workplace	418
Emergency Contact Information	515
Employment Background Checks	404
Equal Access to School Facilities	801
Extended School Year	508
Field Trips	6160, 6160R
Fundraising	511, 511R
Gifts to Employees	1095
Graduation Requirements	5070
Harassment and Violence Prohibited	413
Hazing Prohibited	526
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Notification of Violent Students	5022
Parking on School District Property	5095
Pledge of Allegiance	531
Post-Secondary Enrollment Options	620
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School Activities	510
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Student Dress and Appearance	504, 504R
School Meals Policy	534
School Promotion and Retention	513
Student Publications and Materials	505, 512
Student Records	515
Student Surveys	520
Summer School	6195
Tobacco-Free Schools	419
Transportation of Public School Students	707, 709, 710
Vandalism	806
Video and Audio Recording	711, 712
Visitors in School District Buildings	902, 903, 903R
Weapons Prohibited	501

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 the school district.

II. GENERAL STATEMENT OF POLICY

A. The school district 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, nonschool-sponsored material.

B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the school district, the school board adopts the following regulations and procedures regarding distribution of nonschool-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, or posting or displaying material, or placing material in internal staff or student mailboxes.

B. "Nonschool-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 nonschool-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, fliers, 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, and 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, but not limited to, 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, specific facts must exist 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 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 the school district have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, nonschool-sponsored material.

B. Requests for distribution of nonschool-sponsored material, other than union materials distributed by the Duluth Federation of Teachers, 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 of 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 nonschool-sponsored materials on school district 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 the school district'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 school district staff, use of school district equipment, or other resources;

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

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

D. To the extent that the Duluth Federation of Teachers' Union distributes any political materials, the materials will be prepared in such a way that no political material is visible from the outside page(s) of any publication. The Union shall either seal, fold, or staple the materials so political information may not be seen or include any political material on an internal page so that is will not be visible. Political material shall be defined consistent with the provisions of Minnesota Statute 211B.01, subd. 2, which defines campaign material as "any literature, publication, or material that is disseminated for the purpose of influencing voting at a primary or other election..."

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

A. No nonschool-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 nonschool-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. All employees and students shall comply with the provisions of Minnesota Law regarding distribution of political materials in a polling place on Election Day.

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

F. The District will allow the Duluth Federation of Teacher's Union access to teacher mailboxes as a mechanism to communicate with its members. All distribution of material through the mailboxes will be done by Union members.

G. For all employees including non-teacher members of the Duluth Federation of Teachers, any distribution of materials will be done outside of the normal paid workday. For teacher members, distribution may be done during non-assigned work time (e.g., lunch or preparation time) so long as any time spent is minimal. If the District has any concerns about the abuse of time by teacher members of the Duluth Federation of Teachers, it will notify the Union.

VI. PROCEDURES

A. Any student or employee wishing to distribute (as defined in this policy) nonschool-sponsored material, other than union materials distributed by the Duluth Federation of Teachers, 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 display or distribution.

3. Location where material will be displayed or distributed;

4. If intended for students, the grade(s) of students to whom the display or 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 nonschool-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 the School District's Student Discipline Policy.

B. Distribution by any employee of nonschool-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, school district 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 annually and posted in school buildings.

IX. IMPLEMENTATION

The School District 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.

Legal References: U. S. Const., amend. I
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675 (1986)
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969)
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
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 (2011)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)
Settlement Agreement dated December 8, 1999 between ISD709 and the Duluth Federation of Teachers, Local 692

Adopted: 02-15-2000
Reviewed: 08-15-2023

515 PROTECTION AND PRIVACY OF PUPIL RECORDS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 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 the school district, state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

B. Biometric Record

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

C. Dates of Attendance

"Dates of attendance," as referred to in "Directory Information," means the period of time during which a student attends or attended a school or schools in the school district, including attendance in person or by paper correspondence, 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 the school district.

D. Directory Information

1. 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 sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution

attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:

a. a student's social security number;

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

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

d. personally identifiable data which references religion, race, color, social position, or nationality; or

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

[NOTE: Under the federal Family Educational Rights and Privacy Act (FERPA), the federal definition of "directory information" identifies the types of information that may be specifically referenced as directory information. The federal definition applies to information requests by military recruiting officers, as set out in Article XI below.]

2. **Minnesota law prohibits** schools from designating student contact information as "directory information" **despite the FERPA definition**. Duluth Public Schools excludes the following information:

A. Student contact information

Under Minnesota law, a school district **may not** designate a student's home address, telephone number, email address, or other personal contact information as "directory information."

B. Parent contact information

The 2025 Minnesota legislature enacted the following: A parent's personal contact information must be treated as private data on individuals regardless of whether that contact information was previously designated as or treated as directory information under Minnesota Statutes, section 13.32, subdivision 2.

In addition, the 2025 Minnesota legislature enacted the following: Data concerning parents is private data on individuals but may be treated as directory information if the same procedures that are used by a school district to designate student data as directory information are followed, except that a parent's home address, telephone number,

email address, or other personal contact information may not be treated as directory information.

E. Education Records

1. What constitutes "education records."

Education records means those records that are: (1) directly related to a student; and (2) maintained by the school district or by a party acting for the school district.

2. What does not constitute education records.

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 temporary substitute teacher; and

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

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

(1) maintained separately from education records;

(2) maintained solely for law enforcement purposes; and

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

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

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

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

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

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

d. Records relating to an eligible student, or a student attending an institution of postsecondary education, that are:

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

in that capacity;

(2) made, maintained, or used only in connection with the provision of treatment to the student; and

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

e. Records created or received by the school district after an individual is no longer a student at the school district 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 postsecondary 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 an 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. The school district may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

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 the school district 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 Executive Director of Business Services and Operations Simone Zunich.

N. Student

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

O. School Official

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

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 thereunder.

V. STATEMENT OF RIGHTS

A. Rights of Parents and Eligible Students

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

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

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

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;

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

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

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

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

B. Eligible Students

All rights and protections given to parents under this policy transfer to the student when they reach eighteen (18) years of age or enroll in an institution of postsecondary education. The student then becomes an "eligible student." However, the parents of an

eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations section 99.31(a).

C. Students with a Disability

The school district shall follow 34 Code of Federal Regulations, sections 300.610-300.617 with regard to the privacy, notice, access, recordkeeping, and accuracy of information related to students with a disability.

VI. DISCLOSURE OF EDUCATION RECORDS

A. Consent Required for Disclosure

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

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

   a. a specification of the records to be disclosed;

   b. the purpose or purposes of the disclosure;

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

   d. the consequences of giving informed consent; and

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

3. When a disclosure is made under this subdivision:

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

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

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

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

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

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

a. in plain language;

b. dated;

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

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

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

f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Subparagraph 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 (1) year except in the case of authorizations given in connection with applications for: (i) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two (2) 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 postsecondary 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 Article V. of this policy.

B. Prior Consent for Disclosure Not Required

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

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

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

a. performs an institutional service or function for which the school district would otherwise use employees;

b. is under the direct control of the school district with respect to the use and maintenance of education records; and

c. will not disclose the information to any other party without the prior

consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;

3. To officials of other schools, school districts, or postsecondary 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 Article 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, the school district will provide the parent or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Article XV. of this policy;

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

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

   a. determine eligibility for the aid;

   b. determine the amount of the aid;

   c. determine conditions for the aid; or

   d. enforce the terms and conditions of the aid.

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

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

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

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

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

7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and the school district enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

   For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school district to whom information is disclosed violates this provision, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years;

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

9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;

10. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 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 the school district initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal

action as a plaintiff. Also, if a parent or eligible student initiates a legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself;

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

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

13. Information the school district has designated as "directory information" pursuant to Article VII. of this policy;

14. To military recruiting officers and postsecondary educational institutions pursuant to Article 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 parties, including parents or an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals (34 Code of Federal Regulations, part 99.36) and for bona fide epidemiologic investigations which the Commissioner of the Minnesota Department of Health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

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

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

    a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a

student's school schedule, daily attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;

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

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

19. To the principal where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a superintendent under 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 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, 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 education record. The principal also must notify

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

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

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 to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.

23. When requested, and in accordance with requirements for parental consent in 34 Code of Federal Regulations, section 300.622(b)(2), and part 99, 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;

3. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiological investigations which the Commissioner of the Minnesota Department 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; or

4. To appropriate parties, including parents or an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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 Minnesota Statutes, section 13.32.

3. A parent's personal contact information must be treated as private data on individuals regardless of whether that contact information was previously designated as or treated as directory information under Minnesota Statutes, section 13.32, subdivision 2.

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

C. Present Students and Parents

The school district may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein.

1. When conducting the directory information designation and notice process required by federal law, the school district shall give parents and students notice of the right to refuse to let the district designate specified data about the student as directory information.

2. The school district shall give annual notice by any means that are reasonably likely to inform the parents and eligible students of:

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

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

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

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

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

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

   b. prevent the school district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school district as directory information.

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

D. Procedure for Obtaining Nondisclosure of Directory Information

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

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

2. Home address;

3. School presently attended by student;

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

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

E. Duration

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

VIII. DISCLOSURE OF PRIVATE RECORDS

A. Private Records

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

B. Private Records Not Accessible to Parent

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

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

the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:

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

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

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

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

e. whether the data concerns medical, dental or other health services provided pursuant to 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 a school district updates its enrollment forms in the ordinary course of business, the school district must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this Paragraph, 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 the school district. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes, 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 the school district 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. The school district may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school district determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.

2. A complainant has access to a statement he or she provided to the school district.

3. Parents or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school district students, school district employees, and/or attorney data as defined in 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 the school district, or by the chief attorney for the school district, not to pursue the civil legal action. However, such investigation may subsequently become active if the school district or its attorney decides to renew the civil legal action;

   b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or

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

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

D. Chemical Abuse Records

To the extent the school district maintains records of the identity, diagnosis, prognosis, or treatment of any student which are maintained in connection with the performance

of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, such records are classified as confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by law.

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

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

XI. DISCLOSURE OF DATA TO MILITARY RECRUITING OFFICERS AND POSTSECONDARY EDUCATIONAL INSTITUTIONS

A. The school district will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by the school district, 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 postsecondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Paragraph C. below.

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

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

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 addresses (which shall be the electronic mail addresses provided by the school, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and postsecondary educational institutions. To refuse the release of the above information to military recruiting officers and postsecondary educational institutions, a parent or eligible student must notify the responsible authority Executive Director of Business Services and Operations in writing by Oct. 1st 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 postsecondary educational institutions; and

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

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

E. A parent or eligible student's refusal to release the above information to military recruiting officers and postsecondary educational institutions does not affect the school district's release of directory information to the rest of the public, which includes military recruiting officers and postsecondary educational institutions. In order to make any directory information about a student private, the procedures contained in Article VII. of this policy also must be followed. Accordingly, to the extent the school district has designated the name, address, home 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 postsecondary educational institutions.

XII. LIMITS ON REDISCLOSURE

A. Redisclosure

Consistent with the requirements herein, the school district may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees, and agents of any party receiving personally identifiable information under this Article may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure Not Prohibited

1. Paragraph A. of this Article does not prevent the school district from disclosing personally identifiable information under Article VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school district provided:

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

   b. The school district has complied with the record-keeping requirements of Article XIII. of this policy.

2. Paragraph A. of this Article 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, the school district must provide the notification required in Paragraph 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 the school district.

D. Notification

The school district shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Article VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 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 the school district improperly redisclosures personally identifiable information from education records or fails to provide notification required under this section of this policy, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

XIII. RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING

A. Responsible Authority

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

B. Record Security

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

C. Plan for Securing Student Records

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

1. A description of records maintained;

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

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

4. Means of securing student records; and

5. Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

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

part of this policy.

E. Record Keeping

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

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

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

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

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

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

   b. the legitimate interests under Article 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 Subparagraph VI.B.4. of this policy in accordance with 34 Code of Federal Regulations, section 99.32 and to whom the school district disclosed information from an education record. The school district shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.

3. Subparagraph 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 Subparagraph VI.B.1. of this policy, to requests for disclosures of directory information under Article VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B) or 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 the school district.

5. The school district shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:

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

b. the parties to whom the school district disclosed the information.

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

XIV. RIGHT TO INSPECT AND REVIEW EDUCATION RECORDS

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

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

B. Response to Request for Access

The school district shall respond to any request pursuant to Paragraph A. of this Article 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 Paragraph A. of this section includes:

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

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

3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.

D. Form of Request

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

E. Collection of Student Records

If a student's education records are maintained in more than one (1) 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 (1) site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school district shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one (1) student, the parent or eligible student may inspect and review or be informed of only the specific information which pertains to that student.

G. Authority to Inspect or Review

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

H. Fees for Copies of Records

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

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

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

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

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

    e. mailing costs.

2. If one hundred (100) or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than twenty-five (25) cents for each page copied.

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

4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the

parent or eligible student from exercising their right to inspect or review the student's education records.

XV. REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA

A. Request to Amend Education Records

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

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

2. The school district shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.

3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Paragraph B. of this Article.

B. Right to a Hearing

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

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

2. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school district, or both.

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

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

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

C. Conduct of Hearing

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

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

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

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

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of 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 Executive Director of Business Services and Operations Simone Zunich.

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

XVII. COMPLAINTS FOR NONCOMPLIANCE WITH FERPA

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the 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 Article must contain specific allegations of fact giving

reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

XVIII. WAIVER

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

XIX. ANNUAL NOTIFICATION OF RIGHTS

A. Contents of Notice

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

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

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

3. That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;

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

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

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

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

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

C. Notification to Parents or Eligible Students Who are Disabled

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

XX. DESTRUCTION AND RETENTION OF RECORDS

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

XXI. COPIES OF POLICY

Copies of this policy may be obtained by parents and eligible students at the superintendent's office.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.32, Subd. 5 (Directory Information)
Minn. Stat. § 13.393 (Attorneys)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)
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, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
Minn. Stat. Ch. 260E (Reporting of 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. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)
20 U.S.C. § 7908 (Armed Forces Recruiting Information)
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)
25 U.S.C. § 5304 (Definitions – Tribal Organization)
26 U.S.C. §§ 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. §§ 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)
Gonzaga University v. Doe, 536 U.S. 273 309 (2002)
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

Cross References:

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 520 (Student Surveys)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 722 (Public Data Requests)
MSBA/MASA Model Policy 906 (Community Notification of Predatory Offenders)

Resources:

U.S. Department of Education: *FAQs on Photos and Videos under FERPA | Protecting Student Privacy* (accessed 012926)

U.S. Department of Education: *Letter to Wachter Regarding Surveillance Video of Multiple Students | Protecting Student Privacy* (accessed 012926)

U.S. Department of Education: *School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA) | Protecting Student Privacy* (accessed 012926)

U.S. Department of Education: *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices | Protecting Student Privacy* (accessed 012926)

U.S. Department of Education: *FERPA/IDEA Crosswalk | Protecting Student Privacy* (accessed 012926)

U.S. Department of Education: *What is the Protection of Pupil Rights Amendment? | Protecting Student Privacy* (accessed 012926)

Minnesota Department of Health: *The Family Educational Rights and Privacy Act (FERPA) and Immunization Data* (including *Possible School Consent Language for Sharing Immunization Data with Registries*) (accessed 012926)

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520 STUDENT SURVEYS

I. PURPOSE

Occasionally, the school district utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys.

II. GENERAL STATEMENT OF POLICY

Student surveys may be conducted as determined necessary by the school district. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h.

III. STUDENT SURVEYS IN GENERAL

A. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. No requirement that the student return the survey shall exist, and no record of the student's returning a survey will be maintained.

B. The superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.

C. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality, and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or has the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent/guardian for a student to participate in a survey will be maintained by the school district in a file separate from the survey responses.

D. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the school district will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

E. The school district must not impose an academic or other penalty on a student who opts out of participating in a student survey.

IV. STUDENT SURVEYS CONDUCTED AS PART OF DEPARTMENT OF EDUCATION PROGRAM

A. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey,

analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education, shall be available for inspection by the parents or guardians of the students.

B. No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent/guardian, to submit to a survey that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent/guardian;

2. mental and psychological problems of the student or the student's family;

3. sex behavior or attitudes;

4. illegal, antisocial, self-incriminating, or demeaning behavior;

5. critical appraisals of other individuals with whom respondents have close family relationships;

6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

7. religious practices, affiliations, or beliefs of the student or the student's parent/guardian; or

8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

C. A school district that receives funds under any program funded by the U.S. Department of Education shall develop local policies consistent with Sections IV.A. and IV.B., above, concerning student privacy, parental access to information, and administration of certain physical examinations to minors.

1. The following policies are to be adopted in consultation with parents/guardians:

a. The right of a parent/guardian to inspect, on request, a survey, including an evaluation, created by a third party before the survey is administered or distributed by a school to a student, including procedures for granting a parent/guardian's request for reasonable access to such survey within a reasonable period of time after the request is received.

"Parent/guardian" means a legal guardian or other person acting *in loco parentis* (in place of a parent), such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child.

b. Arrangements to protect student privacy in the event of the administration or distribution of a survey, including an evaluation,

to a student which contains one or more of the items listed in Section IV.B., above, including the right of a parent/guardian of a student to inspect, on request, any such survey.

c. The right of a parent/guardian of a student to inspect, on request, any instructional material used as part of the educational curriculum for the student and procedures for granting a request by a parent/guardian for such access within a reasonable period of time after the request is received.

"Instructional material" means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (i.e., materials accessible through the Internet). The term does not include academic tests or academic assessments.

d. The administration of physical examinations or screenings that the school district may administer to a student. This provision does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, *et seq.*).

e. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing the information to others for that purpose), including arrangements to protect student privacy that are provided by the school district in the event of such collection, disclosure, or use.

(1) "Personal information" means individually identifiable information including a student or parent/guardian's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; or a Social Security identification number.

(2) This provision does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as:

(a) college or other post-secondary education recruitment or military;

(b) book clubs, magazines, and programs providing access to low cost literary products;

(c) curriculum and instructional materials used by elementary and secondary schools;

(d) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or

achievement information about students, or to generate other statistically useful data for the purpose of securing such tests and assessments and the subsequent analysis and public release of the aggregate data from such tests and assessments;

(e) the sale by students of products or services to raise funds for school-related or education-related activities; and

(f) student recognition programs.

(3) The right of a parent/guardian to inspect, on request, any instrument used in the collection of information, as described in Section IV.C.1., Subparagraph e., above, before the instrument is administered or distributed to a student and procedures for granting a request by a parent/guardian for reasonable access to such an instrument within a reasonable period of time after the request is received.

2. The policies adopted under Section IV.C., Subparagraph 1., above, shall provide for reasonable notice of the adoption or continued use of such policies directly to parents/guardians of students enrolled in or served by the school district.

a. The notice will be provided at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in a policy.

b. The notice will provide parents/guardians with an opportunity to opt out of participation in the following activities:

(1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.

(2) The administration of any third-party survey (non-Department of Education funded) containing one or more of the items contained in Section IV.B., above.

(3) Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or other students.

"Invasive physical examination" means any medical examination that involves the exposure of private body parts, or act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

c. The notice will advise students of the specific or approximate dates during the school year when the activities in Section IV.C.2., Subparagraph b., above, are scheduled, or expected to be scheduled.

d. The notice provisions shall not be construed to preempt applicable provisions of state law that require parental/guardian notification and do not apply to any physical examination or screening that is permitted or required by applicable state law, including physical examinations or screenings that are permitted without parental/guardian notification.

V. NOTICE

A. The school district must give parents/guardians and students notice of this policy at the beginning of each school year and after making substantive changes to this policy.

B. The school district must inform parents/guardians at the beginning of the school year if the district or school has identified specific or approximate dates for administering surveys and give parents/guardians reasonable notice of planned surveys scheduled after the start of the school year. The school district must give parents/guardians direct, timely notice when their students are scheduled to participate in a student survey by United States mail, e-mail, or another direct form of communication.

C. The school district must give parents/guardians the opportunity to review the survey and to opt their students out of participating in the survey.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 121A.065 (District Surveys to Collect Student Information; Parent Notice and Opportunity for Opting Out)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. § 1232h (Protection of Pupil Rights)
34 C.F.R. § 99 (Family Educational Rights and Privacy Act Regulations)
Gonzaga University v. Doe, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)
C.N. v. Ridgewood Bd. of Educ., 430 F.3d. 159 (3rd Cir. 2005)
Fields v. Palmdale School Dist., 427 F.3d. 1197 (9th Cir. 2005)

Cross References: MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)

Adopted: 01-19-2021 ISD 709

506 STUDENT DISCIPLINE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

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

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

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

In view of the foregoing and in accordance with Minnesota Statutes, section 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

III. DEFINITIONS

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

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

IV. POLICY

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

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

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

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

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

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

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

V. AREAS OF RESPONSIBILITY

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

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

C. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school

board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall also involve other professional employees in the disposition of Behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising 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 imminent bodily harm or death to the student or another.

E. Other School District Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another.

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

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

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

I. Reasonable Force Reports

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

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

procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

VI. STUDENT RIGHTS

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

VII. STUDENT RESPONSIBILITIES

All students have the responsibility:

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

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

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

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

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

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

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

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

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

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

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

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

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

N. To recognize and respect the rights of others.

VIII. CODE OF STUDENT CONDUCT

A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related

functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

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

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

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

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

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

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

7. Opposition to authority using physical force or violence;

8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31. Criminal activity;

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

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

electronic means;

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. RECESS AND OTHER BREAKS

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

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

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

1. a student causes or is likely to cause serious physical harm to other students or staff;

2. the student's parent or guardian specifically consents to the use of recess detention; or

3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.

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

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

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

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

X. DISCIPLINARY ACTION OPTIONS

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

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

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

C. Parent contact;

D. Parent conference;

E. Removal from class;

F. In-school suspension;

G. Suspension from extracurricular activities;

H. Detention or restriction of privileges;

I. Loss of school privileges;

J. In-school monitoring or revised class schedule;

K. Referral to in-school support services;

L. Referral to community resources or outside agency services;

M. Financial restitution;

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

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

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

Q. Preparation of an admission or readmission plan;

R. Saturday school;

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 the school district.

XI. REMOVAL OF STUDENTS FROM CLASS

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

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

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

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

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

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

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

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

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

C. Procedures for Removal of a Student From a Class.

1. All students have a right to learn and teachers the right to teach. Disruption to the learning process may result in the loss of privilege to remain in the class.
   A. Teacher will notify support staff of need for removal after preventative and responsive practices have been conducted.
   B. Support staff will engage in restorative and/or disciplinary actions following the code of conduct.

2. Behaviors under the major category in the student handbook are documented in the Student Information System.

D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)

1. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

E. Responsibility for and Custody of a Student Removed from Class.

1. Support staff will determine appropriate location away from the classroom setting.

2. The level of response will vary depending on the level of behavior as articulated in the Interventions and Disciplinary Actions section of the District Student Handbook

3. The support staff or administration will have responsibility of the student while receiving intervention unless responsibility has been turned over to the parent or guardian.

F. Procedures for Return of a Student to a Specific Class from Which the Student was Removed.

1. Procedures for re-entry to the classroom could contain but is not limited to

harm repair, conferencing, readmission plan as determined by support staff or administration with collaboration of the classroom teacher.

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

1. All behaviors categorized as major and unlawful as communicated through our Code of Conduct in the Student Handbook which result in disciplinary action require parent or guardian notification.

H. Students with a Disability; Special Provisions.

1. Administration and/or case managers will consider whether there is a need for further assessment;

2. An IEP team will consider whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP) of a student with a disability who is removed from class or disciplined; and

3. Any determined appropriate services for referring students in need of additional or alternate special education services.

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

1. Pursuant to Minnesota Statutes section 121A.29 a teacher who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school administration.

J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.

1. Teachers will follow the identified Positive Behavior Intervention and supports as identified by each site's PBIS team.

XII. DISMISSAL

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

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

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

The use of exclusionary practices for early learners as defined in Minnesota Statutes, section 12A.425 is prohibited. The use of exclusionary practices to address attendance and truancy issues is prohibited.

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

following grounds:

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

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

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

C. Disciplinary Dismissals Prohibited

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

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

   b. kindergarten through Grade 3.

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

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

D. <u>Suspension Procedures</u>

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

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

3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening

for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.

4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) 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 student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.

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

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

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

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

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

   c. petition the juvenile court that the student is in need of services under 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. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.

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

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

E. <u>Expulsion and Exclusion Procedures</u>

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

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

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

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

5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minnesota Statutes, 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 school district must advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE) and is posted on its website.

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

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

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

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

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

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

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

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

14. The student, parent or guardian, or authorized representative, shall have the

right to present evidence and testimony, including expert psychological or educational testimony.

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

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

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

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

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

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

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

XIII. ADMISSION OR READMISSION PLAN

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, 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, principal or other school district official may provide additional notification as deemed appropriate.

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

XV. STUDENT DISCIPLINE RECORDS

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, 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 <u>not</u> a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline <u>is</u> a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

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

XVII. OPEN ENROLLED STUDENTS

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minnesota Statutes section 124D.03) or Enrollment in Nonresident District (Minnesota Statutes section 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minnesota Statutes chapter 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a

nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XVIII. DISCIPLINE COMPLAINT PROCEDURE

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

The Discipline Complaint Procedure must, at a minimum:

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

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

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

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

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

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

XIX. DISTRIBUTION OF POLICY

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

XX. REVIEW OF POLICY

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

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)

Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School 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:
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices)
MSBA/MASA Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
MSBA/MASA Model Policy 610 (Field Trips)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Replacing: Policy 5085
First Reading: 11.21.23
Second Reading: 12.19.23
Adpoted: 12.19.23

503 STUDENT ATTENDANCE

I. PURPOSE

A. The school 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 school district 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 school 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 school board for review and approval. When approved by the school 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 toa truant officer, or the school official designated by the principal. 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:
(1) College campus visits
(2) Extreme weather conditions considered by the parent/guardian to be too dangerous for the student to attend school
(3) Driver's examination. The school requires documentation in order for this to be considered an excused absence.
(4) Prearranged personal or family vacations
(5) Non-school competitions or events, parent/guardian may request an excused absence for participation in a non-school sponsored athletic, dramatic or musical event. The request must be in writing in advance of the first absence and arrangements will be made to complete missed schoolwork

(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) Students will be allowed 2 days to makeup work for every day absent upon return to school. Any work not completed within this period shall result in "no credit" for the missed assignment. However, the building principal or the classroom teacher may extend the time allowed for completion of make-up work in the case of an extended illness or other extenuating circumstances.

(3) A student who is absent for extended time periods due to a placement in an inpatient hospitalization behavioral health unit due to a mental health emergency or placement in a partial hospitalization program for their mental health should be exempt from missed assignments during that time period. Middle and High School students will have a reduced workload if exemptions are not possible based on course requirements. At a maximum, teachers will require 50% of missed points to

be completed. Courses that may have special circumstances requiring more work completion (such as some CITS courses) must have additional work requirements approved in writing by the building principal following consultation with the teacher and school counselor. It may warrant following the identified college's expectations and policies regarding mental health, attendance, and assignment make-up.

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 including absences that are unreported.

(3) Work at home.

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

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

(6) Any other absence not included under the attendance procedures set out in this policy:
(1) Working on school assignments or preparing for exams at home
(2) Personal or family vacation that is not pre-arranged with school administration
(3) Oversleeping or missing alarms
(4) Volunteer work not related to school programming
(5) Missed transportation as scheduled

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 accumulated 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.

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. Three 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 the school district 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 building principal.

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 principal's office.

2. The school district will provide annual notice to parents of the school district'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 a 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: MSBA/MASA Model Policy 506 (Student Discipline)

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503R STUDENT ATTENDANCE REGULATION

I. OFFICIAL RECORDS

The official attendance record will be kept by the attendance office.

II. DEFINITIONS

A. Compulsory Attendance: Children between the ages of seven (7) and seventeen (17) must attend school every day and be on time unless they have a lawful excuse. A student is considered truant if they are absent without a legal excuse for three or more full or partial school days in a year. Children enrolled in kindergarten or a higher grade in a public school are subject to compulsory attendance. However, a parent/guardian can withdraw a child under seven (7) from enrollment at any time for good cause.

B. Habitually Truant: A student is considered habitually truant if they are out of school without a valid reason for at least seven (7) school days.

C. Educational Neglect: Determined when a child's parent, guardian, or custodian fails to comply with compulsory instruction laws, resulting in the child missing school. It is considered educational neglect when a student is under twelve (12) and has seven (7) unexcused absences.

D. Chronically Absent:A student is considered chronically absent if they miss more than 10% of their school days in a given year. In Duluth public schools this would equate to approximately two (2) days per month, or eighteen (18) days per year of excused and/or unexcused absences.

E. 15-Day Withdrawal Provision: In Minnesota, a school district must drop a student from its enrollment after 15 consecutive days of absence, even if the student has excused absences.

F. Exempt attendance: A student is marked “exempt” whenever they are in school under the care of a responsible adult, such as a nurse, coach, social worker, or principal. It does not count toward a students’ chronic absenteeism calculation.

G. Internal Truancy: Students who are physically present at school but skip specific classes or periods without permission. Student absences are marked as unexcused.

III. PARENT/GUARDIAN ATTENDANCE PROCEDURES

A. Each student’s attendance is recorded electronically and available to parents/guardians online.

B. It is the responsibility of the parent or guardian to inform the school in the event of a student absence.

1. Parents/Guardian should use the communication method shared by the

school site to provide the reason for student absence. This may be through an attendance line, a monitored email address, or other means as communicated.

2. All absences must be reported to the school within 48 hours.

3. Students must be in school for a minimum of three (3) hours (unless absent due to a school sponsored activity or documented medical/dental appointment) in order to be eligible to practice or participate in any activity after school.

4. Physical education & Recess Attendance and Excuses: When a temporary condition or disability resulting from illness or injury makes it necessary for the student not to participate in physical education, swimming, or recess, the parent is asked to write a note making this request. If the student is to be excused for longer than a day, a statement from the attending physician requesting this is required. These requests should be brought to the health office before classes start in the morning.

C. Excused Absence Verification

1. Documentation for additional excused absences will be required if a student accumulates more than twelve (12) cumulative absences.

2. Illness greater than 3 days required medical provider documentation.

IV. PARENT/GUARDIAN NOTIFICATION

A. Elementary (K-5)

1. Any time a student is absent without prior notification, parents/guardians will receive a notification from the school indicating the child has been absent.

2. After three (3) unexcused absences parents/guardians will receive a letter informing them of absences and possible consequences for continuation of unexcused absences.

3. After seven (7) unexcused absences, a student is deemed in educational neglect and the school attendance officer or other designated school officials will take appropriate action which may include a request to county social services.

4. After twelve (12) **excused and unexcused absences**, the students and family may be required to attend a meeting with administration, develop an attendance contract and/or be required to submit medical documentation for future absences in order to be excused.

Elementary School Tardiness

A student is considered tardy up to thirty (30) minutes late for the morning or afternoon section. If a student arrives to either section more than thirty (30)

minutes late, the student is considered absent for the section.

B. Middle School (6-8)

1. Any time a student is absent without prior notification parents/guardians will receive a notification from the school indicating the child has been absent.

2. After three (3) unexcused absences the parent/guardian will receive a letter informing them of absences and possible consequences for continuation of unexcused absences.

3. After seven (7) unexcused absences the student is deemed truant, the parent/guardian will receive a letter informing them of the absences~~,~~. School officials will take appropriate action with and may include:
   - Student attendance contract
   - Mediation Contract through St. Louis County Court
   - Truancy referral to the Student Attendance Review Board (SARB)
   - Truancy court with St. Louis County Court

4. After twelve (12) **excused and unexcused absences**, the students and family may be required to attend a meeting with administration, develop an attendance contract and/or be required to submit medical documentation for future absences in order to be excused.

Middle School Tardiness

A student is considered tardy up to 5 minutes late for a class. After 5 minutes a student is considered absent. When a student has accumulated three (3) unexcused tardies per course or per day, disciplinary action may occur.

C. High School (9-12)

1. Any time a student is absent without prior notification, parents/guardians will receive a notification from the school indicating the child has been absent.

2. After three (3) unexcused absences parents/guardians will receive a letter informing them of absences and possible consequences for continuation of unexcused absences.

3. After (5) unexcused absences a student will be placed on an attendance contract and may receive an incomplete for the course.

4. After seven (7) unexcused absences, a student is deemed truant and the school attendance officer or other designated school officials will take appropriate action which may include a request to the county attorney (503-4) to file a petition with the juvenile court, pursuant to Minnesota statutes.

5. After a student accumulates nine (9) unexcused absences in a course, a student will lose credit for the course.

6. After twelve (12) **excused and unexcused absences**, the students and family may be required to attend a meeting with administration, develop an attendance contract and/or be required to submit medical documentation for future absences in order to be excused.

High School Tardiness

A student is considered tardy up to 5 minutes late for a class. After 5 minutes it is considered an absence. Three (3) unexcused tardies will equal one (1) unexcused absence.

Replaced: Regulation 5025R
Adopted: 03-22-2016
Revised: 04-21-2020
06-16-2020
10-20-2020 ISD 709
06-15-2023
01-21-2025

514 BULLYING PROHIBITION POLICY

I. PURPOSE

The purpose of this policy is to prohibit bullying behavior and assist the Duluth Public Schools in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

The District strives to provide safe, secure and respectful learning environments for all students in school buildings, on school grounds, school buses and at school-sponsored activities. A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships.

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

II. GENERAL STATEMENT OF POLICY

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.

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

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

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

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

F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy. The school district may take into account the following factors:

1. The developmental ages and maturity levels of the parties involved;

2. The levels of harm, surrounding circumstances, and nature of the behavior;

3. Past incidences or past or continuing patterns of behavior;

4. The relationship between the parties involved; and

5. The context in which the alleged incidents occurred.

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

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

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

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

III. DEFINITIONS

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

A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the conduct and the conduct is repeated or forms a pattern; or

2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

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

B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

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

D. "Intimidating, threatening, abusive, or harming conduct" means; but is not limited to, conduct that does the following:

1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;

2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or

3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic as defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

E. "On Duluth Public Schools property or at school-related functions or on school transportation" means all 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 Duluth Public Schools 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. District property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the District does not represent that it will provide supervision or assume liability at these locations and events.

F. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

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

H. “Student” means a student enrolled in Duluth Public Schools.

I. “District employee” includes school board members, administrators, educators, aides, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, paraprofessionals, school employees, agents or persons subject to the supervision and control of the district and its students.

J. “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.

IV. REPORTING PROCEDURE

A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. The District has made available to the reporting party or complainant the use of a report form. Contact the principal, or Duluth Public Schools Website at isd709.org/families/bullying-harassment to access bullying report forms.Oral reports shall be considered complaints as well.

C. The building principal or designee, or the building supervisor (hereinafter the “building report taker”) is the person responsible for receiving reports of bullying at the building level. Any person may report bullying or other prohibited conduct directly to the school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made directly with the assistant superintendent or superintendent of the District. Please see our Parent & Student Handbook or Duluth Public Schools Website at isd709.org for principal and Duluth Public Schools contact information.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be

responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

D. A district employee, volunteer, or contractor 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. District employees 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 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 school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Duluth Public Schools' obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

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

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

- The developmental ages and maturity levels of the parties involved.
- The potential for culturally misinterpreting behavior.
- The levels of harm, surrounding circumstances, and nature of the behavior.
- Past incidences or past or continuing patterns of behavior.
- The relationship between the parties involved.

- The context in which the alleged incidents occurred.

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

D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy and other applicable school district policies; and applicable regulations.

- For the student harmed: Protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Support may include: safety planning, student conference(s), referral to student support staff for one-to-one support or social skills training; check-in and/or check-out with a trusted adult in the school; and choice to participate in a restorative process - facilitated by a trained facilitator. When an incident includes documentation through an office discipline referral, information regarding the student harmed will be included on the referral.

- For the student who violated the prohibited conduct policy: Schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, and age-appropriate and should match the severity of the student's behavior and their developmental age. The response must be a natural and logical match to the prohibited behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes. Responses may include but are not limited to:

  - Safety planning
  - Student conference(s)
  - Working with parents of involved students
  - Teaching/reteaching of desired skills or behavior
  - Reinforcing desired skills or behaviors
  - School disciplinary action (detention, suspension, etc.)
  - Connecting students/families to school, district, community resources
  - Consideration of a restorative process if all parties are prepared and willing

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

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

G. Any party who is not satisfied with the outcome of the investigation may appeal to the district's Office of the Assistant Superintendent within 10 school days of notification of the principal/designee's decision. The assistant superintendent or designee will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The assistant superintendent or designee shall notify the party requesting the appeal and the principal that its decision is final and shall document that notification with the appeal.

H. When it is determined that a district employee was aware prohibited conduct was taking place but failed to report it, the employee will be considered to have violated this policy. The employee's supervisor shall consider employee discipline for such violations, making reference to any applicable collective bargaining agreement. Remedies for offending contractors should be imposed according to their Duluth Public Schools contracts.

VI. RETALIATION OR REPRISAL

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

VII. RECORDS

Information gained when investigating and remediating reports of bullying will be recorded and kept by the building principal or designee. Information regarding the

number of reports of bullying and the action taken to resolve the reports will be provided to the Duluth Public Schools climate coordinator by the building principal or designee annually.

Affected students and their parents may have rights under state and federal data practices laws to obtain access to data related to an incident and to contest the accuracy or completeness of the data.

VIII. TRAINING AND EDUCATION

A. The school district shall discuss this policy with district employees, volunteers, and contractors, and provide appropriate training and professional development to district employees regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed district employees must receive the training within the first year of their employment with the district or school. The district or a school administrator may accelerate the training cycle or provide additional training based on particular needs or circumstances. This policy shall be included in employee handbooks, training materials, and/or publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

B. The school district shall require ongoing professional development, consistent with Minnesota Statutes Section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. The content of such professional development shall include, but not be limited to:

1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.

2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.

3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk and any specific interventions that may be particularly effective for addressing bullying behavior related to bias.

4. Recognizing, responding to and reporting bullying.

5. Information about the incidence and nature of cyberbullying.

6. Information about Internet safety issues as they relate to cyberbullying.

7. Student-staff relationships and initial responses to students making a report.

8. A review of the district’s reporting requirements related to bullying and cyberbullying.

C. Student Education - Each school shall incorporate into the school curriculum developmentally appropriate programmatic instruction to help students identify, prevent and reduce bullying and create a safe learning environment, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

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

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

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

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

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

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

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

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

5. Teach students to advocate for themselves and others;

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

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

F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority,

diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

H. The school district will work with the Minnesota Department of Education Technical Assistance Center and provide resources for instruction and topics including but not limited to: evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct to engage all students in creating a safe and supportive school environment.

IX. NOTICE

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

B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.

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

D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.

E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.

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

IX. POLICY REVIEW

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

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

Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.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)

Malicious and sadistic conduct involving race, gender, religion, sexual harassment, sexual orientation, and sexual exploitation is prohibited under Minnesota Statutes, chapter 121A.0312

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

Replacing: Policy 5084
First Reading: 07.18.2017
Adopted: 08.22.2017 ISD709
First Reading: 05.16.2023
Second Reading: 06.20.2023
Adopted: 06.20.2023

413 HARASSMENT AND VIOLENCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The school district prohibits any form of harassment or violence on the basis of Protected Class. Harassment and violence of any kind towards any individual is prohibited in Duluth Public Schools.

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

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

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

III. DEFINITIONS

A. "Assault" is:

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

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

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

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

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

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

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

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

D. Protected Classifications

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

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

b. has a record of such an impairment;

c. is regarded as having such an impairment; or

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

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

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

b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against harassment or discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

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

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

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

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

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

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

F. Sexual Harassment

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

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

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

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

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

   a. unwelcome verbal harassment or abuse;

   b. unwelcome pressure for sexual activity;

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

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

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

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

G. Sexual Violence

1. Sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statutes, section 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.

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

   a. touching, patting, grabbing, or pinching another person's intimate parts
   b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;

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

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

H. Violence

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

IV. REPORTING PROCEDURES

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

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

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

D. In Each School Building

The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the

complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

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

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

G. In the District

The school board hereby designates Steven Johnson, Director of Human Resources, steven.johnson2@isd709.org as the school district human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.

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

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

J. Use of formal reporting forms is not mandatory.

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

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

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

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

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

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

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

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

V. INVESTIGATION

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

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

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

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

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

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

VI. SCHOOL DISTRICT ACTION

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

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

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

VII. RETALIATION OR REPRISAL

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

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

IX. HARASSMENT OR VIOLENCE AS ABUSE

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

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

X. DISSEMINATION OF POLICY AND TRAINING

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

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

C. This policy shall appear in the student handbook.

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

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

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

Legal References:
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References:
MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)

	MSBA/MASA Model Policy 526 (Hazing Prohibition) MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)
Replacing:	Policy 4015
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Second Reading:	05-13-2025
Adopted:	05-20-2025
Revised:	05-19-2026

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 school district and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

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

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

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

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

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

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

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including 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. The school district will act to investigate all complaints of hazing and will

discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

III. DEFINITIONS

A. "Hazing" means committing an act against a student, 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 school district policies or regulations.

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

C. "On school premises or school district property, or at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles 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 school district official designated by this policy. A person may report hazing anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

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

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

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

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

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

E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.

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

V. SCHOOL DISTRICT ACTION

A. Within three (3) days of the receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.

B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited 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 school district will take appropriate action. Such action may include, but is not limited to, warning, restorative practices, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable school district policies and regulations.

E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a 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

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, who 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. The school district will develop a method of discussing this policy with students and employees.

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

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])

Replacing: Policy 5083
First Reading: 01-06-2022
Adopted: 02-15-2022

418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

A. Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, and controlled substances before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.

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

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

D. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

A. "Alcohol" includes any alcoholic beverage containing more than one-half of one percent alcohol by volume.

B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.

C. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion, or by any other immediate means.

E. "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the commissioner.

F. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.

G. "School location" includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

H. "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another, or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.

I. "Toxic substances" includes: (1) glue, cement, aerosol paint, containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; (2) butane or a butane lighter; or (3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the commissioner of health.

J. "Use" means to sell, buy, manufacture, distribute, dispense, be under the influence of, or consume in any manner, including, but not limited to, consumption by injection, inhalation, ingestion, or by any other immediate means.

IV. EXCEPTIONS

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

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

C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.

D. The school district may not refuse to enroll or otherwise penalize a patient or person enrolled in the Minnesota Patient Registry Program as a pupil solely because the patient or person is enrolled in the registry program, unless failing to do so would violate federal law or regulations or cause the school to lose a monetary or licensing-related benefit under federal law or regulations.

V. PROCEDURES

A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, must comply with the school district's student medication policy.

B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, are permitted to possess such controlled substance and

associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.

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

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

E. Members of the public are not permitted to possess controlled substances, inotxicating cannabinoids, or edible cannabinoid products in a school location except with the express permission of the superintendent.

F. No person is permitted to possess or use medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medial cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.

G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statutes section 624.701, subdivision 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

VI. SCHOOL PROGRAMS

A. Starting in the 2026-2027 school year, the school district must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statutes, section 120B.215, subdivision 1 and must:

1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and

2. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

B. School district efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10 and 120B.11.

C. Notwithstanding any law to the contrary, the school district shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The district must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

VI. ENFORCEMENT

A. Students

1. Students may be required to participate in programs and activities that provide education against the use of alcohol, tobacco, marijuana, smokeless tobacco products, electronic cigarettes, and nonintoxicating cannabinoids, and edible cannabinoid products.

2. Students may be referred to drug or alcohol assistance or rehabilitation programs; school based mental health services, mentoring and counseling, including early identification of mental health symptoms, drug use and violence and appropriate referral to direct individual or group counselling service. which may be provide by school based mental health services providers; and/or referral to law enforcement officials when appropriate.

3. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.

B. Employees

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.

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

4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

Legal References: Minn. Stat. § 120B.215 (Education on Cannabis Use and Substance Use)
Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 121A.40-§ 121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.01, Subd. 15a (Definitions)
Minn. Stat. § 152.0264 (Cannabis Sale Crimes)
Minn. Stat. § 152.22, subd. 6 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 169A.31 (Alcohol-Related School Bus or Head Start Bus Driving)
Minn. Stat. § 340A.101 (Definitions; Alcoholic Beverage)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)
Minn. Stat. § 342.56 (Limitations)
Minn. Stat. § 609.684 (Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)
20 U.S.C. § 7101-7122 (Student Support and Academic Enrichment Grants)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 516 (Student Medication)

Replacing: Policy 4036
Adopted: 08.16.2022
Reviewed: 09.19.2023
Reviewed: 10.15.2024

419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.

B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related devices, or electronic delivery devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.

C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

D. The school district will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

III. DEFINITIONS

A. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

B. "Heated tobacco product" means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.

C. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to,

cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

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

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

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

IV. EXCEPTIONS

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

B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school district.

C. An American Indian student or staff member may use tobacco, sage, sweetgrass, and cedar to conduct individual or group smudging in a public school. The process for conducting smudging is determined by the building or site administrator. Smudging must be conducted under the direct supervision of an appropriate staff member, as determined by the building or site administrator.

V. VAPING PREVENTION INSTRUCTION

A. The school district must provide vaping prevention instruction at least once to students in grades 6 through 8.

B. The school district may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the school district's locally developed health standards.

VI. ENFORCEMENT

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

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

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

D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.

E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.

F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

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

VII. DISSEMINATION OF POLICY

A. This policy shall appear in the student handbook.

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

Legal References:
Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)
Minn. Stat. § 121A.08 (Smudging Permitted)
Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)
Minn. Stat. § 609.685 (Sale of Tobacco to Children)
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References:
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
Duluth Public Schools 419R Smudging and Pipe Ceremonies Regulation

Replacing: Policy 1140
First Reading: 04.26.2022
Adopted: 05.17.2022
Reviewed: 09.19.2023
Reviewed: 10.15.2024

534 SCHOOL MEALS POLICY

I. PURPOSE

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

II. PAYMENT OF MEALS

A. Payment for second meals or ala carte items is expected at the time the meal is served. Parents have three options to put money in their child's lunch account:

1. Online payments
2. Check sent to the child's school or Administrative offices
3. Cash sent to the child's school or Administrative offices

If the school district participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program.

B. Free School Meals Program

1. The Universal free school meals program is created within the Minnesota Department of Education and provides a free breakfast and lunch to all students enrolled in Duluth Public Schools.

2. Each school that participates in the United States Department of Agriculture National School Lunch program and has an Identified Student Percentage below the federal percentage determined for all meals to be reimbursed at the free rate via the Community Eligibility Provision must participate in the free school meals program under that provision.

3. Families may apply for free/reduced-price meal benefits anytime during the school year. Meal applications are available on the school district website and online to all families in the district prior to the student's first day of classes.

4. Each school that participates in the Universal free school meals program must:

   a. participate in the United States Department of Agriculture School Breakfast Program and the United States Department of Agriculture National School Lunch Program; and

   b. provide to all students at no cost up to two federally reimbursable meals per school day, with a maximum of one free breakfast and one free lunch.

C. Once a meal has been placed on a student's tray or otherwise served to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.

D. When a student has a negative account balance, the student will not be allowed to charge a second meal or ala carte items.

E. If a parent or guardian chooses to send in one payment that is to be divided between sibling accounts, the parent or guardian must specify how the funds are to be distributed to the students' accounts. Funds may not be transferred between sibling accounts unless written permission is received from the parent or guardian.

F. A student may purchase a second breakfast at the nonprogram price if the student has already selected a reimbursable breakfast.

G. A student may purchase a second lunch at the nonprogram price if the student has already selected a reimbursable lunch.

III. LOW OR NEGATIVE ACCOUNT BALANCES – NOTIFICATION

A. The school district will make reasonable efforts to notify families when meal account balances are low or fall below zero.

B. Families will be notified of an outstanding negative balance once the negative balance reaches $10.00. Families will be notified by monthly billings sent home.

C. Reminders for payment of outstanding student meal balances will not demean or stigmatize any student participating in the school lunch program.

IV. UNPAID MEAL CHARGES

A. The school district will make reasonable efforts to collect unpaid meal charges classified as delinquent debt. Unpaid meal charges are designated as delinquent debt when payment is overdue, the debt is considered collectable, and efforts are being made to collect it.

B. Negative balances of more than $50.00, not paid prior to the end of August, before new school year starts, will be turned over to accounts payable in the business services department for collection. In accordance with other outstanding debts owed to the school district, after attempts to collect are unsuccessful, the debts are turned over to the credit agency for collection.

C. The school district may not enlist the assistance of non-school district employees, such as volunteers, to engage in debt collection efforts.

D. The school district will not impose any other restriction prohibited under Minnesota Statutes, section 123B.37 due to unpaid student meal balances. The school district will not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

V. COMMUNICATION OF POLICY

A. This policy and any pertinent supporting information shall be provided in writing (i.e., mail, email, back-to-school packet, student handbook, etc.) to:

1. all households at or before the start of each school year;

2. students and families who transfer into the school district, at the time of enrollment; and

3. all school district personnel who are responsible for enforcing this policy.

B. The school district will post this policy on the school district's website, or the website of the organization where the meal is served, in addition to providing the required written notification described above.

Legal References: Minn. Stat. § 123B.37 (Prohibited Fees)
Minn. Stat. § 124D.111 (School Meals Policies; Lunch Aid; Food Service Accounting)
42 U.S.C. § 1751 *et seq.* (Healthy and Hunger-Free Kids Act)
7 C.F.R. § 210 *et seq.* (School Lunch Program Regulations)
7 C.F.R. § 220.8 (School Breakfast Program Regulations)
USDA Policy Memorandum SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies (2016)
USDA Policy Memorandum SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments (2016)
USDA Policy Memorandum SP 23-2017, Unpaid Meal Charges: Guidance and Q&A

Cross References: None

New Policy:	534
First Reading:	07-18-2017
Adopted:	08-22-2017
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Adopted:	12-20-2022
Reviewed:	11-21-2023
Reviewed:	11-18-2025

504 STUDENT DRESS AND APPEARANCE

I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations of dress and grooming that are related to educational goals and community standards.

II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to encourage students to be dressed appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the student's parent(s) or guardian(s).

B. Appropriate clothing includes, but is not limited to, the following:

1. Clothing appropriate for the weather.

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

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

C. Inappropriate clothing includes, but is not limited to, the following:

1. Clothing bearing a message that is lewd, vulgar, or obscene.

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

3. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in MSBA/MASA Model Policy 413.

4. Any apparel or footwear that would damage school property.

D. Headwear, such as hats, may be worn during the school day provided the head covering complies with other district policies, does not interfere with the learning environment, and does not obscure the face or ears, except as a religious observance.

E. The intention of this policy is not 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, or do not advocate violence or harassment against others.

F. "Gang," as defined 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. "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.

III. PROCEDURES

A. When, in the judgment of the administration, a student's appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.

Students who are in violation of the dress code will be asked to change clothes, cover up existing clothing if possible or go home to change so that they meet dress code. In the event a student must go home and change, the parent will be contacted. The student must sign in and out at the Attendance Office.

B. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians.

C. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make 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 (1969)
B.W.A. v. Farmington R-7 Sch. Dist., 554 F.3d 734 (8th Cir. 2009)
Lowry v. Watson Chapel Sch. Dist., 540 F.3d 752 (8th Cir. 2008)
Stephenson v. Davenport Cmty. Sch. Dist., 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, Indep. Sch. Dist. No. 3, 804 F.Supp. 1415 (W.D. Okla. 1992)
Hicks v. Halifax County Bd. 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:

MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 525 (Violence Prevention)

Replacing:	Policy 5100
First Reading:	06.20.2023
Second Reading:	07.18.2023
Adopted:	07.18.2023
Reviewed:	02.25.2025

504R STUDENT DRESS AND APPEARANCE

Statement

The staff, students, parents, and the Duluth Public Schools community recognized the importance and necessity for students' attire to be respectful and appropriate for school. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and in a manner that does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size. Duluth Public Schools expects that all students will dress in a way that is appropriate for the school day or for any school sponsored event. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities.

The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s). The school district supports student attire that reflects their personal style and identity; that fosters a welcoming, safe, and respectful environment for all students, and the dress code celebrates and embraces the diversity and inclusion of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size as long as it doesn't interfere with the health, safety, and educational opportunities for students. Any restrictions to the way a student dresses must be necessary to support the overall educational goals of the school and must be explained within this dress code.

Our values are:

- All students should be able to dress comfortably for school and engage in the educational environment without fear of or actual unnecessary discipline or body shaming.
- All students and staff should understand that they are responsible for managing their own personal "distractions" without regulating individual students' clothing/self-expression.
- Student dress code should support school attendance and engagement.
- Dress code violations should be addressed using student/body-positive language to explain the code.
- Teachers should focus on teaching and students focus on learning without the distraction and often uncomfortable burden of addressing dress code violations.
- Reasons for conflict and inconsistent and/or inequitable discipline should be minimized whenever possible.

Basic Principle: Certain body parts must be covered for all students at all times. Clothing must be appropriate for the activity (PE, Outside, Classroom, etc.)

1. Student Must Wear:

    - A Shirt AND
    - Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress or shorts) AND
    - Weather & activity appropriate garments and shoes (coats, boots, mittens, tennis shoes, etc.)
    - Activity appropriate clothing for Physical Education classes
        - Swimming:
            - A well fitting swimsuit is required
            - A swim cap should be worn at all times when in the pool
            - Students may choose to wear a rash guard (swim shirt)
        - Gymnasium and weight rooms:

    - Shorts and t-shirts are required
    - Clean athletic shoes

2. Student May Wear:

    - Headwear, such as hats, may be worn during the school day provided the head covering complies with other district policies, does not interfere with the learning environment, and does not obscure the face or ears, except as a religious observance.
    - Note: Staff may direct students to remove headwear that causes a disturbance or problems which interrupt an event, activity, or process to the learning environment.

3. Students Cannot Wear:

    - Any clothing that reveals visible undergarments (visible waistbands and visible straps are allowed).
    - Bulky jackets/coats intended for outside wear and must be kept in the student's locker during regular school hours.
    - Clothing that includes words or pictures that are obscene, vulgar, sexually explicit, convey sexual innuendo, abuse or discrimination, or which promote or advertise alcohol, chemicals, tobacco or any other product that is illegal for use by minors and illegal on school property, will not be allowed.
    - Objectionable emblems, badges, symbols (including confederate flags & swastika's), derogatory mascots, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to any group, evidences of gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals is not allowed.

Students who are in violation of the dress code will be asked to change clothes, cover up existing clothing if possible or go home to change so that they meet dress code. In the event a student must go home and change, the parent will be contacted. The student must sign in and out at the Attendance Office.

References: 514 Bullying Prevention
521 Student Disability Nondiscrimination
522 Title IX Sex Nondiscrimination Policy
541 Gender Inclusion
526 Hazing
413 Prohibiting Harassment and Violence
Duluth Public Schools Code of Conduct

Adopted: 06-15-2023
Reviewed: 02-11-2025

DEPARTMENT OF EDUCATION

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. By requiring that all students take statewide assessments, schools and teachers have more information to see how all students are doing. This helps schools to continuously improve the education they provide and to 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 (MCA)
MCA and the alternate assessments (Minnesota Test of Academic Skills (MTAS)/Alternate MCA) are the annual assessments in reading, mathematics and science that measure a snapshot of student learning of the Minnesota K–12 Academic Standards.

ACCESS and WIDA Alternate ACCESS for English Learners
The 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 helps families see a snapshot of their student's learning so they can advocate for their success in school. High school students can use MCA results:

- For Postsecondary Enrollment Options (PSEO) in grade 10.
- For 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 ACCESS or WIDA Alternate ACCESS and meet certain requirements, have the opportunity to exit from English learner programs.

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 form below. Contact your student's school to learn more about locally required assessments.

Consequences of Not Participating in Statewide Assessments

- The student will not receive an individual score. For ACCESS and WIDA Alternate ACCESS, the student would not have the opportunity to exit their English learner program.
- School and district assessment results will be incomplete, making it more difficult to have an accurate picture of student learning.
- Since all eligible students are included in some calculations even when they do not participate, school and district accountability results are impacted. This 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 the beginning of each school year. Refer to your district or charter school's website for more information on assessments.

Statewide Assessment: 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.

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) you are opting your student out of this school year:

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

Contact your school or district for more information on how to opt out of local assessments.

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