

Dear Middle School Parents:

We would like to welcome your child as a student at Howard Lake-Waverly-Winsted Middle School. We anticipate having a great school year. The purpose of this handbook is to provide all the necessary information to parents and students about our school guidelines, rules, and expectations. We encourage all parents/guardians to take the time to read through this book with your child to clarify HLWW Middle School expectations. As a member of this school, your child is expected to follow the rules that have been established for the welfare of the entire student body.

HLWW Middle School students are very proud and successful students. They always attempt to be the best they can be, both in scholastic and extracurricular activities. Respecting their school, their classmates, and their teachers is a must.

Communication between home and school is vital to our children's education. Therefore, HLWW Middle School has shared a copy of our Student Handbook with your student in their Google Drive. The Student Handbook can also be viewed on our school website. **A printed copy will be available upon request in the Middle School Office.** School policies, practices, and other pertinent information are contained in this handbook.

Maximum educational opportunities are available only when there is mutual understanding and cooperation between the home and school. School visits by parents are encouraged. We will be happy to meet and discuss our educational programs and school philosophy with you at any agreeable time.

Student discipline is referred to several times throughout this booklet. It is our philosophy to have a firm discipline policy that is just and clearly understood by parents and students. The entire staff is committed to the idea that discipline be educational. At HLWW Middle School, students have the right to learn and teachers have the right to teach.

Quality education for all children has been the priority of our system for many years. Teachers continually keep abreast of new and better means of educating students by staff development opportunities on a regular basis.

We anxiously await the opportunity to work with your child during the school year. The entire staff and I hope your child will have a satisfying and rewarding year at HLWW Middle School.

Best wishes for a successful school year!

Sincerely,

Jim Schimepfenig
Middle School Principal
Howard Lake-Waverly-Winsted School District 2687

MISSION STATEMENT

HLWW Middle School will provide a supportive transitional environment in which students achieve their full potential through a variety of opportunities. This We Believe...

Characteristics of "OUR" Middle School

- *Educators who value working with this age group and are prepared to do so*
- *Courageous, collaborative leadership*
- *A shared vision that guides decisions*
- *An inviting, supportive, and safe environment*
- *High expectations for every member of the learning community*
- *Students and teachers engaged in active learning*
- *An adult advocate for every student*
- *School-initiated family and community partnerships*
- *Curriculum that is relevant, challenging, integrative, and exploratory*
- *Multiple learning and teaching approaches that respond to student diversity*
- *Assessment and evaluation programs that promote quality learning*
- *Organizational structures that support meaningful relationships and learning*
- *School-wide efforts and policies that foster health, wellness, and safety*
- *Multifaceted guidance and support services*

(This We Believe: Successful Schools for Young Adolescents - - 2003)

ABOUT OUR SCHOOL

Our Middle School is especially designed for students who are between the ages of ten and fourteen and are in grades five, six, seven, and eight. This is a special time for our students who are in "transition" from childhood to adolescence. At our school we stress academic skills and the habits needed to be successful in school. These habits include using study time well, taking accurate and complete notes, organizing materials and time, moving from classroom to classroom, handing work in on time, and most importantly being responsible for our actions as well as our academics.

ParentVUE

Parents of Howard Lake-Waverly-Winsted Middle School students are encouraged to sign up for ParentVUE – a **free** on-line record of each student's schedule, attendance, grades, and more, that is available to parents, accessible by a username and password on a secure website. ParentVUE is part of HLWW's vendor student services system, so there is no additional cost to the school or users. Parents who use the website enjoy being able to track their student's assignments, grades and attendance throughout the quarter. Through ParentVUE, parents can stay informed on a daily basis about their student's progress, and can provide help in a more timely way than ever before. With ParentVUE, parents are up-to-date on their student's work in each class, so parent/teacher conferences can be spent on more in-depth discussion with the teacher, resulting in a high quality conference that benefits the student and family.

If you are interested in signing up for ParentVue, call Tiffany Ver Hey at 320-543-4660 Ext. 2201 or email at tverhey@hlww.k12.mn.us

Parents are also encouraged to visit our school website. Daily assignments can be viewed by clicking the Google Assignment Calendar under links and files. The assignment calendar is updated weekly and gives parents an opportunity to know and track important assignments, tests, projects, and due dates. Check out our website at www.hlww.k12.mn.us

Table of Contents

Academic Curriculum	4
Accidents	4
Activities	4
Admit Slips	6
Advisor/Advisee Homeroom	6
Animals in the Classroom	6
Arrival/Dismissal Time	7
Attendance/Excused, Unexcused and Tardy	7
Band/Choir Enrollment	8
Bicycles	8
Cell Phones	9
Communication	9
Custody Issues	9
Detention	9
Discipline	10
Dismissing Students During School Hours	14
Dress and Appearance	14
Emergency Drills	15
Extended School Day	15
Food/Baked Goods/Classroom Treats	15
Field Trips	16
Grading	16
Health Services	16
Homework Policy	19
Latex	19
Library Rules	19
Lockers	20
Lost and Found	20
Mail	20
Mid-Quarter Reports	20
Milk Program	20
Minnesota Comprehensive Assessment	20
Nuisance Devices	21
Parent/Teacher Conferences	21
Passes	21
Perfume	21
Phone Calls	21
Phone Numbers	22
Photographs	22
Physical Education	22
Report Cards	22
School Closing	22
School Activity Night Rules	22
School Parties and Celebrations	23
Signs	23
Study Hall Rules	23
Textbooks	24
Visitors and Security	24
Walkers	24
Withdrawal From School	24
Student Services	24
Transportation	25
Student Policies	26

GENERAL INFORMATION

Academic Curriculum

The academic curriculum at the Howard Lake-Waverly-Winsted Middle School is comprehensive and provides an excellent foundation as students prepare for the high school curriculum. The research-based curriculum focuses on the core areas of language arts, mathematics, social studies, and science. Other areas of classroom study include health, physical education, band, choir, computers, art and agriculture/Tech Ed classes.

Accidents

Accidents which are incurred by students during the portion of the day when they are under the supervision of the school should be reported to the teacher or paraprofessional on duty immediately. An accident will be documented in the office with the nurse or secretary. If the school nurse or designee determines that the injury is serious, the parents will be called immediately.

Activities/Sports

Students are encouraged to participate in activities at HLWW Middle School. Band is offered during the school day for grades 5 through 8 and choir in grades 6 through 8. Other available activities include Laker Leaders, Art Club, Speech, Knowledge Bowl and sports. There is a \$90.00 athletic/activity participation fee per activity and a maximum of \$200.00 if a student is involved in three or more activities. There is also a family cap of \$500.00. No student is denied participation due to inability to pay. Fee information is available from the Activities Director, Scott Berning, at the high school.

Student eligibility is based on academic success as well as a commitment of the participants to follow the high school league behavior rules. To be eligible to participate **students must receive passing grades in all classes and must be making satisfactory progress towards an on-time graduation.** 2 official grade checks will be done each quarter. One at mid-quarter and one at the end of the quarter for a total of 8 checks per year.

1. Any student receiving one or more failing grades at mid-quarter or end of the quarter is ineligible for a minimum of one week. In that week the student cannot participate in contests.
2. At the end of the first week the student will submit an "eligibility slip" and every week thereafter, until the end of the marking period verifying eligibility. Eligibility slips are due by noon the last day of the academic week in order to be able to complete the following week. Eligibility slips will be turned in to the activities director.
 - a. Students that submit slips with passing grades from all teachers are allowed to play the next week (beginning Monday).
 - b. Students still failing continue to be ineligible. Students who do not submit slips on time are also ineligible.
 - c. After the initial first week, grades are checked weekly placing the emphasis on sustaining academic improvement. If the student is not passing for the week, he/she becomes ineligible for that week until an "all passing" slip is submitted.

- d. Students can move from eligible to ineligible on a weekly basis between mid-quarter and end of quarter as well as between mid-semester depending upon their weekly grade progress.
3. Students will start each school year based on their last semester grades. There is a carryover of failing grades from one school year to the next. However, since fall athletes (Football 9-12, Volleyball 9-12, Cross Country 7-12, Cheerleading) start three weeks before school starts, those academically ineligible from the spring have no chance to make up their failing grades. Therefore, the following contest ineligibility will be followed. (Students could do credit recovery if summer school is available within the district.)
 - **Cross Country – 1 meet.
 - **Volleyball – 1 game.
 - **Cheerleading – 1 game at the beginning of the season.
 - **Football – 1 scrimmage *or* 1 game at the beginning of the season, whichever is first.

Note: Cross Country & Volleyball can have MSHSL competitions starting at the end of the 1st week. Football can't have a MSHSL game until the end of the 3rd week.

II. ACADEMIC ELIGIBILITY--INCOMPLETES

Students receiving an incomplete at the end of marking period will remain eligible.

1. Students have ten school days after the end of the marking period to convert their incomplete to a letter grade.
2. After the 10 day period of time if the student does not complete the course, the incomplete is changed to an "F" and the student is ineligible as set forth in item I.

III. ACADEMIC ELIGIBILITY--EXCEPTIONS

Any student enrolled in the Special Education program will be considered on an individual basis. Students must be making progress towards graduation.

1. A committee formed of the activities director, principal, guidance counselor, case manager, and instructors will decide if the student is working up to his or her ability and making progress.
2. This committee will determine eligibility status.

IV. ACADEMIC ELIGIBILITY—PARTICIPATION

1. A student who is declared ineligible will be expected to participate in all practice sessions during the period of ineligibility.
2. A student who is declared ineligible will not participate in any competition or exhibition during the period of ineligibility.
- 3.

The following sports are offered to grades 7 and 8:

	<u>Fall</u>	<u>Winter</u>	<u>Spring</u>
Boys:	Football	Wrestling	Track & Field
	Cross Country	Basketball	Golf
			Baseball
			Clay Target Shooting

Girls:	Volleyball	Gymnastics	Track & Field
	Cross Country	Basketball	Golf
			Softball
			Clay Target Shooting

The following sports are offered through Community Education for grade 5 and 6:

<u>Fall</u>	<u>Winter</u>	<u>Spring</u>
Soccer	Wrestling	Traveling Baseball
Football	Basketball	Traveling Softball
Volleyball	Traveling Basketball	Golf
Dance	Cheerleading	
	Gymnastics	

Laker Leaders

“Student Advisory Representatives”

The middle school provides a student council for student body representation and for planning activities. Students represent their homerooms and meet at various times throughout the year. All students are encouraged to get involved in their student council.

Admit Slips

Following an absence from school, a student must have an admit slip to be readmitted to their classes. Students will receive an admit slip when they present a signed excuse from their parents indicating the date of absence and the reason for it. Parents may also inform the office by telephone the day(s) of a student’s absence. Admit slips will be issued by the Principal’s Office and should be shown to each teacher whose class was missed. Students may discard the slip at the end of the day.

Advisor/Advisee Period

The advisor/advisee period is designed to connect each student with an adult in the school who they can turn to with concerns, questions, and for guidance. Each student will be placed with a staff member. The advisor will focus on a variety of topics throughout the school year to assist students in planning, setting priorities, getting organized, getting along with others, and adjusting to the Middle School setting. School spirit activities and fun events are also conducted during advisory time. The assigned advisor will also serve as the academic advisor and will oversee the student-led conference in the winter.

The desired outcomes of the academic advisory program are:

- Improve communication between students, teachers, and parents.
- Monitor academic progress of the advisees and implement strategies for improvement.
- Increase effectiveness of parent-student-teacher conferences.
- Advocate for student needs.
- Improve study, organizational, listening, and decision-making skills.
-

Animals in the Classroom

To prevent exposure to allergens and to maintain the best possible indoor air quality, prior approval is required by the principal before animals are allowed to visit our school. If the request is granted, record of vaccinations will be required.

Arrival/Dismissal Time

For the welfare and safety of all students, it is requested that students do not arrive at school any earlier than necessary. This is especially important for those children who walk, ride bicycles or are dropped off by parents. Students should not arrive more than 20 minutes before school begins due to supervisory reasons.

School Begins – 8:45 a.m.

Dismissal – 3:20 p.m.

Middle School students are encouraged to participate in after school activities. Unless they are attending scheduled and supervised activities, students are asked to clear the building and grounds at the dismissal time.

Attendance

School attendance laws of the State of Minnesota require that students must attend school regularly. Regular school attendance is important to the educational growth of students in grades five through eight. Parents are strongly encouraged to remind their students that consistent attendance and the completion of daily school assignments will result in a continuity of the instructional process, higher grades and a more enjoyable school experience.

Excused Absences

- ◇ Personal Illness – Once a student reaches seven absences due to illness in a year, parents may be notified that any additional absences will not be excused unless a school nurse verifies the illness or documentation from a doctor is provided.
- ◇ Illness in the immediate family
- ◇ Death in the immediate family
- ◇ Legal obligations
- ◇ Religious Holidays
- ◇ Family Vacations
- ◇ Prior notification of absences
- ◇ School events/sports
- ◇ Suspensions



In order to qualify for an excused absence the parent/guardian must notify the school by either contacting the middle school office at 320-543-4660 tbangasser@hlww.k12.mn.us or sending a written note the next day. Please give the following information: name of student, grade, and length of and reason for absence. You may also request homework be collected for you to pick up if your child is absent 2 or more days.

Parents of students who accumulate a total of 10 absences will receive a letter to inform them of the number of absences that their student has. Students who accumulate 10 excused or unexcused Absences may be asked to obtain a doctor's note for any future absences to be considered excused. If this is required and doctor's note does not accompany the future absence, the absence will be considered unexcused and will be subject to the unexcused absence policy of HLWW Middle School and County Court truancy laws.

Unexcused Absences

- ◇ An absence not recognized as an excused absence will be considered unexcused.
- ◇ Any absence without a written or verbal explanation by the parent/guardian will be considered unexcused.
- ◇ Examples of unexcused absences are: out-of-town company, shopping, taking care of younger siblings or family member, hair appointments, family trips without prior approval, or any duty/errand which can be done outside of the normal school day.

When a student has been absent for three unexcused absences or class periods, a letter will be sent home and students may be referred to county intervention services. Seven unexcused absences or class periods will be referred to Wright or McLeod County Court for habitual truancy.

Tardies

Students are expected to come to school on time. Frequent late arrivals establish a pattern that is not acceptable. A student will be marked tardy if he/she arrives after the start of the school day or the start of a class. If the arrival is 10 minutes after the start of the class period the student will be considered absent for that class for truancy purposes. 3 unexcused tardies will equal 1 unexcused absence for truancy purposes. Tardies shall be excused when a note or telephone call is received by the next day from the parent/guardian explaining how the tardy was unavoidable.

- ◇ Examples of unexcused tardies are: oversleeping or being late to class for socializing in the hallway or lunchroom.
- ◇ Examples of excused tardies are: medical appointments or the bus the student is arriving on is late due to road conditions.
- ◇ Students who receive three or more tardies will be expected to make up the time missed either before school, after school, or at Saturday school.

Regular classroom attendance will help students develop successful life skills including punctuality, self-discipline and responsibility. The shared learning experiences that take place daily in the schools are a purposeful and important part of the educational process.

Band/Choir Enrollment

Band in grades 5-8 and choir in grades 6-8 are considered full year courses. Students will only be allowed to drop band and choir during the first week of school and at the end of the first semester when it has been determined that it is not in the best interest if the student to continue band/choir. The parent is required to fill out and sign the band/choir drop form. Permission will need to be given by the parent, principle and band/choir director. Concert attendance (2 per year) is required for all band/choir members.

Bicycles

Students who are competent bicycle riders and practice good bicycle safety may ride their bicycles to school, weather permitting. Bicycles should be parked and locked in the bicycle racks during the school day. The use of helmets is encouraged. We are not responsible for lost, stolen or damaged bicycles.

Cell Phones/Electronic Devices

At 7:50 students will need to shut down all cell phones and electronic devices. These devices must remain in their lockers from 7:55 until 2:46. On occasion, teachers may direct their students to bring their device to class for educational use. In the event that a student needs to contact their parent/guardian during the school day they can request a pass from a teacher to use their device or the office phone. If parents /guardians need to communicate with their child prior to 2:46, they should contact the Middle School office. **In order to possess these devices at school the student and their parent/guardian must have signed the Internet Use Agreement. Students bring these devices “at their own risk” The School will not be responsible for lost, stolen or damaged devices.** Staff has the right to take student’s phones/devices and turn them into the office if this rule is not followed. Phones/devices will be returned at the end of the school day or parents may be called to pick up the phone/device for repeat offenses. **No student shall use a cell phone or camera to take photographs or video of students or staff without their prior consent while in school or on the school grounds, including the school bus. The use of any electronic device in restrooms and locker rooms is strictly prohibited.**

Communication

One key feature of effective schools is good communication between school and home. The middle school uses a variety of communication tools to make our school-family relationship with individual classroom teachers, phone calls, notes, email, and the school website. Classrooms may use student planners. Parents may be asked to check and sign their child’s planner at the teacher’s request.

News of special events is published in the local newspaper as well as the district newsletter. The Howard Lake-Waverly-Winsted School District Website address is <http://www.hlww.k12.mn.us> and it includes timely general information about the district, its policies and activities. We encourage you to respond to our communication efforts and let us know if they are effective, and how we can improve for the future.

Custody Issues

If there are special concerns or court orders involving our middle school students, we must have current copies of legal court documents on file at school. Parents without specific court documents stating otherwise are entitled and have access to all school functions.

Detention

Students may be assigned to morning, noon, afternoon, or Saturday school detention for violating school rules. The principal will determine the length and time for detention. Students will be required to attend on the date(s) assigned. If a student is unable to attend detention on the assigned date, they must have their parent’s call the teacher who issued the detention or bring a written excuse from a parent. An additional date/time will be assigned upon receiving parent communication. Students must make up the entire time assigned. Skipping detention will result in the detention time being “doubled”. If time is still not served, the student may be out-of-school suspended.

Additional Detention Rules:

1. Students must bring homework or reading material to detention. (Time starts when the student begins to work.)
2. No passes are issued from detention.
3. No visiting or working in groups.

Discipline

At Howard Lake-Waverly-Winsted Middle School we expect our students to conduct themselves appropriately by showing respect for themselves and others and by demonstrating responsibility by making appropriate choices. The staff at our schools has the goal of establishing an atmosphere throughout the school in which children will feel safe, secure and happy.

When corrective actions taken by the classroom teacher have failed or the rule infraction is of a serious nature, the incident shall be referred to a principal for investigation and appropriate action. The severity of the consequences applied by the principal depends upon three factors: 1.) the seriousness of the offense; 2.) the previous disciplinary record of the student, and 3.) the discretion of the administrator.

Consequences will consist but are not limited to the following options:

- Warning
- Lunch Detention
- After-School Detention
- Before-School Detention
- Saturday School
- In-School Suspension
- Out-of-School Suspension
- Out-of-School Suspension at Wright Choice Program
- Exclusion
- Expulsion

Parents will be notified either in writing or by phone of their child's behavior and consequence.

Students who are in-school suspension or out-school suspension will be required to make up all course work that was missed in order to receive credit. Out-of-school suspended students are also not allowed to compete or attend after-school activities or sports for the days they are suspended. They are not allowed on any school grounds for those suspended days. Out-of-school suspension will be reported to Minnesota Department of Education and a copy of the letter of suspension will be maintained in the students discipline file.

The school board hereby authorizes that all rules and regulations governing students as stated in student handbooks, state high school league publications and other posted notices shall apply to all students. Students participating in interscholastic activities understand and accept the following responsibilities that are expected year round:

- I will respect the rights and beliefs of others and will treat others with courtesy and consideration.
- I will be fully responsible for my own actions and the consequences of my actions.
- I will respect the property of others.
- I will respect and obey the rules of my school and the laws of my community, state and country.
- I will show respect to those who are responsible for enforcing the rules of my school and the laws of my community, state and country.

A student whose character or conduct violates the Student Code of Responsibilities or is suspended or expelled is not in good standing and is ineligible for a period of time as determined by the Principal/Activities Director or other designee.

Alcohol, Tobacco, Drugs

Right: Each student has the right to associate with students who are free from the use of alcohol, tobacco, and drugs and not be subjected to those wishing to buy, sell, or use such substances.

Responsibility: Each student has the responsibility to keep his or her mind and body in a sound, healthy condition.

Policy: The use, sale, or possession of any non-prescription drugs, alcoholic beverages, or tobacco is prohibited on school grounds, as well as at or before school-sponsored activities.

Tobacco

The disciplinary response for smoking, chewing or possessing tobacco or electronic cigarettes/pipes on school property, at school events, within sightlines of the school may result in school or out of school suspension and referral to local law enforcement

Alcohol and Drugs

- | | |
|---|--|
| 1.) Possession of alcohol and drugs - - | 3 to 5 days out-of-school suspension, Drug Counselor notified, Law Enforcement notified, parent conference scheduled |
| 2.) Using, selling, transmitting alcohol or drugs - - | 3-5 days out-of-school suspension, Disciplinary Hearing, Law Enforcement notified, Drug Counselor notified |

Protection of the Public Safety

Right: All people have the right to be safe and secure.

Responsibility: Students have a responsibility to conduct themselves in such a manner as not to pose a threat to the health and welfare of others.

Policy: The infractions listed below, as well as any act that poses a threat to the health and safety of students and/or staff, are strictly forbidden. This list is not an “all-encompassing” list of infractions and those infractions not listed but deemed inappropriate by school staff and/or the principal, are subject to similar consequences.

- | | |
|---|--|
| 1.) Detonation of Firecrackers or other Explosive | In-school suspension, Out-of-School Suspension, Law Enforcement notified |
| 2.) False Alarm/Bomb Threats | Out-of-School Suspension, Expulsion, Exclusion, Law Enforcement notified |
| 3.) Arson | Expulsion, Exclusion, Law Enforcement notified |

- | | |
|-----------|--|
| 4.) Theft | In-school Suspension, Out-of-School Suspension, Law Enforcement notified |
|-----------|--|

School Property

Right: Each student is entitled to a well-equipped, well maintained, clean and aesthetically pleasing school environment.

Responsibility: Each student is responsible to respect and help maintain the appearance and cleanliness of the building.

Policy: Acts of vandalism, theft, and abuse of the school buildings and grounds are prohibited. Students will be responsible for the cost to repair or replacement damaged property to it's Original condition.

- | | |
|-------------------|--|
| 1.) Vandalism | After-School Detention, In-school Suspension, Out-of-School Suspension, Expulsion
Restitution, Law Enforcement notified |
| 2.) Theft | In-School Suspension, Out-of-School Suspension, Restitution, Law Enforcement notified |
| 3.) Throwing Food | After-School Detention, In-school Suspension, Out-of-School Suspension, Restitution |

Student to Staff Relationships

Right: Students and staff have a right to work, study, and teach in an atmosphere of mutual respect. They also have the right to free inquiry and expression while being mindful of these responsibilities.

Responsibility: Students have the responsibility to respect authority, feelings, physical well-being, and property of school personnel.

Policy: Students shall refrain from disobedience, disrespect, threats, or attacks directed at school as well as damage to or theft of property belonging to school personnel.

- | | |
|---------------------|--|
| 1.) Disobedience | After-School Detention |
| 2.) Threats | In-School Suspension, Out-of-School Suspension, Disciplinary Hearing, Law Enforcement notified |
| 3.) Physical Attack | Out-of- School Suspension, Expulsion, Exclusion, Law Enforcement notified |
| 4.) Disrespect | In-School Suspension, Out-of-School Suspension |

Student to Student Relationships

Right: Each student has the right to attend school and school activities and be free from threats against his or her feelings, physical well-being and property.

Responsibility: Each student shall be responsible to respect the feelings, property, and physical well-being of other students and to report such happenings to school staff.

Policy: Students will refrain from physical and verbal abuse directed at other students, as well as any damage or theft of the property of a fellow student.

1.) Threats	Detention, In-School Suspension, Out-of-School Suspension, Exclusion, Expulsion, Law Enforcement notified
2.) Bullying & Exclusion	Detention, In-School Suspension, Out-of-School Suspension, Bullying Awareness Class (Fee paid by parent), Exclusion, Expulsion, Law Enforcement notified
3.) Sexual Act (Physical or Verbal)	In-School Suspension, Out-of-School Suspension, Law Enforcement notified
4.) Physical Attack	In-School Suspension, Out-of-School Suspension, Law Enforcement notified
5.) Disrespect	Noon Detention, After-School Detention
6.) Fighting	In-School Suspension, Out-of-School Suspension, Law Enforcement notified
7.) Property Damage	Noon Detention, After-School Detention, Restitution, In-School Suspension, Out-of-School Suspension, Law Enforcement notified
8.) Theft	Noon Detention, After-School Detention, Restitution, Law Enforcement notified
9.) Horseplay	Warning, Noon Detention

Olweus Bullying Prevention Program

Our school cares about the safety and well-being of our students. We want to make sure our school is a good place for students to learn. To do this we are using the Olweus Bully Prevention Program. This program has been proven to prevent and reduce bullying. It also works to make relationships better among students. Through the Olweus program four key rules are taught and implemented to students:

1. We will not bully others.
2. We will try to help students who are bullied.
3. We will try to include students who are left out.
4. If we know that somebody is being bullied, we will tell an adult at school and an adult at home.

Howard Lake Waverly Winsted ISD 2687 Bullying Prohibition Policy Summary

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision

of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

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.

If you would like a copy of HLWW's Bully Prohibition Policy #514, please see our school website at www.hlww.k12.mn.us or contact the building principal for a copy.

Dismissing Students During School Hours

Students are dismissed only from the office during school hours. If you must take your student out of school, a written request should be sent to the office stating the date and time of dismissal. You must come to the office to meet your student and to sign him/her out. Students will not be released to waiting cars or to anyone who cannot identify himself/herself to the satisfaction of school personnel. If there is a change to your child's normal dismissal arrangements, or if your student will be riding a bus home with another student, that communication must take place before noon to ensure your student gets a pass. **Again, please notify the office before noon of any dismissal changes for your student.**

Dress and Appearance

The district reserves the right to take appropriate action when student attire and/or grooming endangers the health, safety, or negatively influences the educational opportunity of students in the Howard Lake-Waverly-Winsted Schools. The district has established no restrictions on student dress or grooming except as follows:

- Clothing appropriate for the weather;
- Clothing that does not create a health or safety hazard;
- Clothing appropriate for the activity (i.e., physical education or the classroom)
- Clothing or grooming that does not interfere with the education process.
- Clothing that is consistent with community standards

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

- Clothing that does not cover the undergarments
- Clothing which bears a message that is lewd, vulgar, or obscene;
- Apparel promoting products or activities that are illegal for use by minors (promotion of alcohol, tobacco, or drugs);

- Objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which communicates gang membership;
- Any apparel or footwear that would damage school property (Heelies - - shoes with wheels).

Hats, and hoods are not allowed to be worn in the building from 8:45AM to 3:20PM except with the approval of the building principal.

Emergency Drills

Schools are required by law to conduct emergency drills during the school year (5 fire, 5 lockdown, 1 severe weather/tornado). When the alarm sounds, each class follows directions outlined by the teacher. The purpose of emergency drills is to teach students how to vacate the building in a quick and orderly manner. Specific procedures also will be followed for drills and other emergencies.

Extended School Day

HLWW Extended School Day is a program offered periodically during the school year. ESD's focus is to provide reading and math interventions and remediation, in small group and individual settings. In addition students will also benefit from assistance in organization and work completion. Students are selected for this program based on their current academic performance, as well as previous MCA and STAR test data.

It is our hope that participation in this program will increase the academic success of your child. This program is not intended as a punishment, but rather an opportunity for your student to be successful. When offered, class is held every Monday and Wednesday from 3:00 p.m. to 5:00 p.m. in the middle school. There is no cost for students to participate in this program, and a snack will be provided. Parents can either pick up their child at 5:00 p.m. or students can ride the activity bus home.

Students failing a course at mid-quarter will be encouraged to participate in ESD until they are passing again. Students who fail a course at the end of a quarter will be required to attend ESD to complete their Minimum Outcome (MO) work. Students will be dismissed from ESD when the grade level team determines that the student can succeed without the support of ESD.

Finally, parents please note that if you choose to sign your child up for this opportunity, attendance to every session is mandatory as this is an extension of the regular school day. If students miss more than two unexcused days, they will be dropped from the program.

Food/Baked Goods

Students are permitted and encouraged to have water bottles in their lockers and drink water as needed. The consumption of any other beverages other than at lunchtime, is prohibited during the school day. Beverages other than water must be in bottles or unopened cans. Open cans of beverages will be confiscated and dumped. Food is to be eaten only in the lunchroom, or at designated snack time. Students may not take uneaten food from the lunchroom to their lockers during breakfast or lunch. All baked goods and treats served in the public schools must be prepared in the building or commercially baked. Any cakes or treats brought to school in celebration of a birthday or event must follow these guidelines. This policy was established to maintain health standards as they relate to communicable diseases. Any food not meeting these standards will be taken away.

Field Trips

During the school year various classes take field trips. Permission slips are sent home for parents to sign, thus giving permission for a student to go on a field trip. In the event that a parent does not want his/her student to go on a trip, the student must be in attendance at school on that day. Provisions will be made for the student to complete school work. Students will be asked to pay a fee for some or all of the field trip costs.

Grading

Passing or failing a full year class (Mathematics, Science, Language Arts, Social Studies, P.E./Health Band, and Choir) will be determined by four grades (four quarter grades). Passing or failing an Exploratory class (Art, Industrial Technology, Computers and Current Events) will be determined by the end of the quarter grade. A student must receive passing grades in ALL core classes (Mathematics, Science, Language Arts, Social Studies, Health/PE, and Reading 5/6) to be considered for promotion to the next grade level.

Students who receive an Incomplete (I) at the end of a quarter will have two weeks to change their grade or the grade will automatically turn to an F.

Students who fail classes will be expected to make up the work as expected by the teacher to reach a passing grade. Students may receive an MO (minimal outcome) for a class once the work is completed. Students who fail a course at the end of a quarter will be required to attend ESD to complete their Minimum Outcome (MO) work. Students will be dismissed from ESD when the grade level team determines that the student can succeed without the support of ESD.

Students will be required to repeat those classes or the entire grade if their classes are not passed. For students who are expected to repeat an entire grade level, a parent, teacher, counselor, and principal meeting will be held to make that determination.

Grade point average (GPA) is calculated by using all the grades from a quarter, including exploratory classes, music, and physical education.

Health Services

We recommend that your student have a thorough physical examination and dental checkup prior to enrollment in school. If there are any health conditions that prevent your child from certain activities, the doctor is asked to indicate this in a note directed to the school nurse. The checkups should be done in the summer before the student begins school. Please advise your school's nurse of any significant health conditions or allergies before the school year starts.

The school health service is staffed by a licensed school nurse. She evaluates the health status of students and staff. If there is evidence of a health problem with a student, the school nurse or designee will contact the parents. The school nurse counsels pupils, parents, staff and others regarding health matters; helps prevent and control diseases; and serves as a resource person. When students become ill or are injured, the nurse or designee provides emergency care and determines the seriousness of the ailment. If the situation is warranted, the student's parent or guardian will be called. Emergency Medical Services (911) may also be called if the health condition is severe or a parent or guardian or emergency contact cannot be reached and the situation is deemed serious.

Routine screens by health service personnel include:

- Grade 5 - Immunizations, Scoliosis (Girls), Vision, Hearing
- Grade 6 – Immunizations, Scoliosis (Girls)
- Grade 7 – Immunizations, Vision, Hearing
- Grade 8 – Immunizations

Students are required to have a complete immunization record at school. The law requires:

For 5th and 6th graders

- at least 3 Dtap/Td/Tdap (Diphtheria/Tetanus/Pertussis),
- at least 3 Polio and
- 1 MMR (Measles/Mumps/Rubella).

For 7th** through 12th graders

- at least 3 DTP/Td/Tdap plus one more shot at age 11-12 years**,
- at least 3 Polio
- 2 MMR
- 3 Hepatitis B**
- 2 Varicella (Chicken Pox) unless child has already had the chicken pox disease.** (New requirement in 2008)

** (7th grade only)

No student will be allowed to enroll or remain enrolled without a statement verifying these immunizations or a notarized statement that immunizations are contraindicated due to a child's medical diagnosis or a parent's conscientious opposition. The entire policy, as adopted by the School Board, is available in each building.

Health Records - A health record is kept for each student, as required by Minnesota state law. Any significant health condition or immunization that the student has during the summer or during the school year should be reported to the school nurse so the information can be recorded on the child's health card.

Homebound Instruction

If it is necessary for your student to be absent from school for several weeks because of serious illness, either at home or in the hospital, arrangements may be made for homebound instruction. Parents must contact their building principal to request that provisions be made.

Keeping Your Student Home from School

Please do not send your student to school with:

Rashes: If the student has a rash of unknown origin, it needs to be evaluated by a health care provider. Children should not come to school with rashes if they are spreading, itching or open/drainage.

Vomiting/Diarrhea: Student needs to remain home until 24 hours after the last episode.

Fever of or greater than 100 degrees F: Students should stay home for 24 hours after the temperature returns to normal without the use of fever reducing drugs such as acetaminophen or ibuprofen.

Student Medication Policy

Many children with chronic and/or acute health conditions are able to attend school because of the effectiveness of medications. Whenever possible, parents should make arrangements so that it is not necessary for school personnel to administer medications to students. However, if the frequency of the dosage requirements of a medication makes it necessary to be administered at school, the following policies must be followed in accordance with Minnesota state law. Any medications not picked up by the end of the school year will be discarded.

Requirements

- A. Students will not be allowed to carry medication with them during the school day except for those students who need to carry their medication for emergency reasons, such as in the case of food or bee-sting allergies and asthma attacks. This will be determined on a case-by-case basis by the school nurse in conjunction with a physician's orders and parental request. All medication brought to school must be kept in a locked area located in the nurse's office or as noted on Individual Health Plan.
- B. Medication will only be administered by the school nurse, school health assistants or staff trained in medication administration. All medication authorization consent forms and documentation of medication received, administered and/or destroyed is maintained by the health office.
- C. Medication to be given must be supplied, dropped off and picked up by an adult only. **Students may not transport any medication to and from school.**
- D. A parent must fill out a medication administration consent form and return it to the health office before any medication is administered at school. Parents are to obtain this form from the school health office, from the school website (www.hlww.k12.mn.us, the click on *Departments, Health Services, Medication Forms*) or from the school secretary.
- E. For prescription medication, a doctor's order and completed medication authorization form is required. **The medication must be in its original container** and the label must match the doctor's order.
- F. For non-prescription (over-the-counter) medication, a completed medication authorization form signed by the parent/guardian is needed. **The medication must come in its original package or container.** The school will administer over-the-counter medication as directed on the package only, unless a doctor's order indicated otherwise. Please use the smallest size available as it is hard to store large sized bottles.
- G. A new authorization form is **required at the beginning of each school year** and whenever there is a change in the student's prescription. Parents are to immediately notify the school in writing if medication is no longer to be given.
- H. For drugs, medicines, or special health treatments such as catheterization, tracheotomy suctioning, and gastrostomy feeding needed for any students with a disability, administration may be provided as indicated in the IEP, Section 504 plan or Individual Health Plan (IHP).
- I. For students with serious illnesses, such as asthma, diabetes and food allergies, emergency action plan needs to be in place prior to the first day of school every year. Contact the school nurse at Email: jholland@hlww.k12.mn.us or cell/text: 763-219-2469. Prescribed medications such as inhalers, nebulizers and Epi-pens need to be brought to the school by a parent/legal guardian on or prior to the first day of school.

Homework Policy

The homework guideline we use is quite simple. Students will usually receive homework from the core subject teachers (Language Arts, Mathematics, Social Studies, and Science). On some occasions students may receive homework from their exploratory teachers (Art, Music, and Phy. Ed, Industrial Technology, Computers). Students will receive a pass/fail grade for their Advisory Time. This grade

does not count toward the student's GPA but is to give an indication to parents about their child's efforts, attitude, preparation, and performance in the advisory curriculum and activities.

As parents, you can make homework more successful for your student by providing a work area free from distractions. Another idea is to see that your student is using his/her time well and not spending time getting drinks, sharpening pencils, etc. What works well for some families is setting aside a common homework time each evening for the whole family.

If, for any reason, you need to pick up homework, please contact the middle school office early in the day so that the teacher has time to get the materials ready. It is very difficult for the office and the teachers to handle requests for homework if parents wait until the end of the day to ask the teacher for the materials.

Late Work Policy

- Formative Assessments
 - Full credit by due date
 - 50% credit after due date by end of unit/chapter
 - 0% credit after end of unit/chapter (Expired will be marked in TIES)
- Summative Assessments
 - All summative assignments must be complete
 - At the end of the quarter if a student is missing a summative assignment (that receives a zero score) but is still holding a passing grade they will receive an Incomplete.
 - If a student is failing at the end of quarter and is missing a summative assignment, that summative assignment must be a part of the MO.
 - Tests – 100% credit all quarter
 - Projects/Papers – 100% credit on due date
 - If project/papers are late, students will receive 100% credit if:
 - Students approach the teacher to work out a time/academic detention to finish it, either: before or after school or at lunch, or consecutive ESD dates until the project is done □ what works with teacher's schedule
 - If students do not attend an academic detention every day until it is done they will receive 50% off the project @ end of quarter

Latex

The School District buildings are latex restricted sites. No balloons or other latex products are permitted.

Media Center Rules

All media center use will be under the guidance of a classroom teacher or supervised by the librarian. Students who check out books are expected to return their library books by the due date. All library materials are to be returned at least one week before the last day of school. The last day to check out materials will be one week before the day all library books are to be returned. Parents will be notified of overdue materials by written notice and/or a phone call. Parents will be asked to pay replacement costs of materials that are not returned. Written requests for payment will be issued shortly after the due date of all library materials. Money will be refunded for materials that are subsequently found and returned. Students who do not return borrowed materials or pay for replacement ones will not be

eligible to participate in activity or reward days until the fees are paid or other arrangements have been made.

Lockers

Students are assigned a locker for storing books and supplies. Each student is responsible for seeing that his/her locker is kept locked and in order at all times. School combination locks are provided and will be returned at the end of the school year. Lost or damaged locks will cost \$5.00 to be replaced. Students are not to share lockers unless given permission by the principal due to a lack of available lockers for all students. Any interior decorating of lockers is to be in good taste or the decorations will be removed. **Students may use magnets, painters tape or other non-marking materials. Any use of transparent tape is prohibited. Students will be responsible for cleaning and restoring the locker to its original condition.** Exterior decorating of lockers and hallways is not allowed without permission. The school is not responsible for lost or stolen items. Lockers are the property of the school and school officials reserve the right to search a locker at any time.

Lost and Found

Our middle school has Lost and Found articles located in the commons area. Parents are welcome to check the Lost and Found for articles at any time. A good time to do so is during conferences, concerts and other school activities.

Mail

Students are not allowed to receive personal mail at school. The mail will be returned to the sender. If there is no return address, the mail will be given to the guardian or parent. Any flowers, balloons, etc. sent to your child at school will be held until lunchtime or homeroom. These deliveries cause disruptions to classroom routines.

Mid-Quarter Reports

Mid-quarter notices indicating student progress will be available on ParentVue each quarter. Parents will receive an email when these reports are available. For those families without email a mailed copy can be requested by contacting Tami Bangasser at the Middle School office. These reports indicate the student's grade at the mid-quarter point for each class. Parents are encouraged to contact the school or teacher if mid-quarter reports indicate concerns. Remember: You may access "ParentVue" to view your student's attendance, schedule, and grades.

Milk Program

For students who bring a cold lunch, deductions will be made from the family account for milk. Students are allowed to bring pop for their lunch, but must open and consume it in the cafeteria.

Minnesota Comprehensive Assessments

The *Minnesota Comprehensive Assessments (MCA's)* will be given at grade levels 5, 6, 7, & 8. The MCA's are state-developed tests that measure high standards in reading and mathematics (Grades 5, 6, 7, 8) and in science (Grades 5 & 8). Students answer both multiple choice and short answer questions. State law requires all students to take these tests.

Students do not pass or fail these tests; rather these tests are used to chart school progress, generate information for school improvement, and serve as a tool to make decisions that will improve student achievement.

Students are classified in one of five achievement levels based on their test scores. The district goal is to see the number of students at Level 1-2 decreases, while the number of students at Levels 3-4 increases.

Achievement Level Information

D - scores indicate that the student has significant gaps in the knowledge and skills necessary for satisfactory grade level work.

P - scores represent partial knowledge and skills required for successful grade level achievement.

M - scores represent state expectations for achievement of all students. Students who score at Level 3 are working successfully on grade-level material.

E - scores represent superior, advanced academic performance, well beyond what is expected at the grade level.

Nuisance Devices

Laser pen lights and lighters are prohibited from buses, school buildings, and school grounds. iPods, MP3 players, games, toys, and electronic toys are prohibited in classrooms. Prohibited items will be confiscated and may be picked up from the Principal's office by parents. The school is not responsible for any lost or stolen items.

Parent-Teacher Conferences

Parent-teacher conferences take place two times during the school year. October conferences are "drop in" and February conferences are "student lead" where each student will have a scheduled time for their conference. Parents will receive information regarding conferences. At open-house night, parents will sign up for a specific appointment time for student-led conferences in February.

Passes

Whenever a student is in the hall for times other than between classes, a hall pass is required (student planner). Whenever a student must use the restroom or visit their locker, a hall pass is required (student planner). If a student wanting to visit the health office must have a pass from the teacher or supervisor. Teachers have the discretion to not allow students to leave the classroom.

Whenever a student needs to be excused from school during the school day, they should bring a written excuse from their parents and the Principal's Office will issue an out-of-building pass. The student should report to the Principal's Office for an admit slip upon their return. Students who are being sent home due to illness, need to report to the Principal's Office for an out-of-building pass prior to leaving school. If they do not, the student's absence will be considered unexcused.

Perfumes/Body Sprays

Perfumes and body sprays are not allowed outside the locker room. Also, use of such items should be kept to a minimum so as not to offend other students and staff members.

Phone Calls

Parents are welcome to call the principal with questions, concerns or ideas they wish to share. Teachers should be called during school hours. However, when classes are in session, teachers may not be available to answer the phone. In case of an emergency, please call the school office and your

student will be contacted immediately. A message may be left on the voice mail. Students are to be called only in the event of an emergency. They will seldom be given permission to call from school except in an emergency.

Phone Numbers

It is very important that we have an EMERGENCY NUMBER for each student so parents can be reached at any time. It is necessary that you include the phone number of someone who can be reached in your absence in the event of illness or emergency. Please notify us of any change in phone numbers during the school year. **Emergency contact information must be updated from your ParentVue account.**

Photographs

Photographs are taken in our building throughout the school year. Some of these photographs will be used in district publications or submitted to outside publications. Video recording, for district use and by news organizations, may also occur. Requests not to photograph or video specific students will be honored. Please contact your child's principal for additional information.

Physical Education

Students are expected to participate in physical education activities unless they have a health problem. Students may be excused from physical education for three days with a parent's written request. Beyond that, a doctor's excuse is needed. A doctor's note must list a SPECIFIC date of the student's return to activity before the student can return to participation or play.

All students will be expected to change clothes for physical education classes. The uniform will consist of dark blue or black shorts that are at least near knee length or sweat pants, and a gray or white t-shirt that has short or long sleeves (no cut-offs). Tennis shoes are also required for participation in physical education classes.

Report Cards

The school seeks your cooperation in its efforts to educate your child. The report card informs you of your child's progress four times a year, once at the end of each nine-week period. Feel free to visit the school and confer with staff about your child's progress any time during the school year.

School Closing

School may be closed by the Superintendent in the event of extreme weather conditions or emergency circumstances. An official announcement will be made on radio stations KARP (106.9 FM), KDUZ (1260 AM), KRWC (1360 AM) and WCCO (830 AM) and TV stations WCCO TV (channel 4), KARE (channel 11) and KSTP (channel 5). When adverse conditions exist buses may run late, so we ask that you do not call the school unless necessary. Parents are advised to make provisions for the care of their students in the event of a school closing, late start or early dismissal.

School Activity Night Rules

Your cooperation will help make this Activity Nights an enjoyable experience for all. The following rules and expectations are for **students** and **parents** of HLWW Middle School.

- Parents should plan to pick up their student(s) promptly at the ending time.
- Only HLWW Middle School Students (Grades 5, 6, 7, & 8) are allowed to attend. Students may not bring friends from other schools, relatives (other than a parent, grandparent, or older sibling who has volunteered to chaperone), or younger siblings.

- Students are expected to stay until Activity Night ends. If students need to leave earlier, they must call for their ride in the presence of a HLWW staff member and will only be released to the person who has permission to pick them up.
- The parents of students who misbehave or who are otherwise uncooperative will be called and asked to pick up their student. Students who are asked to leave will not be allowed to attend any other HLWW Middle School dances/activity nights for the remainder of the year.
- Concessions must be consumed in the cafeteria/commons area.
- Any behavior that could cause harm to self and/or others such as running, pushing, or slam dancing will not be allowed.
- Music will be provided by a reputable DJ and will be edited to the best of our ability. Students may not request inappropriate or unedited music.
- Slow dances may be played but public displays of affection will not be allowed.
- Fun will be had by all!!!

School Parties and Celebrations

Classroom parties and celebrations take place occasionally during the school year. Students may be asked to contribute a nominal amount of money to help defray expenses. This is strictly a voluntary charge. Parents who do not wish their student to participate for personal reasons should notify the classroom teacher.

Signs

Prior to posting any non-Middle School sign, advertisement, meeting bulletin, banner, etc. in school, students must attain permission from the Principal. Schools may not promote private enterprise or certain church related events. Please check with the office before you post signs.

Study Hall Rules

1. Each student shall be assigned a desk.
2. Students shall remain seated until roll-call is taken.
3. Passes to the library may be granted.
4. Students wishing to go to another room should have a pass signed by the teachers they wish to see or work for
5. Speaking is a privilege to be earned. It will be kept at a minimum at the discretion of the study hall teacher.
6. One boy or one girl to the rest room at the same time from each study hall for a period of five (5) minutes.
7. Study halls are for study. Make sure that you have textbooks or library books to last the period.
8. Three (3) minutes before the end of the period, study hall and classroom teachers are to instruct students to pick up all waste paper on the floor and on their desks.
9. All students who sign out on passes must be back before the period ends.
10. Study hall teachers are to check returning student's passes carefully to see that they went where they were supposed to and returned at the correct time.
11. Classroom and study hall students are to be excused only at the end of the period.
12. Three (3) tardies to Study Hall will result in one detention at the teacher's discretion.

Textbooks

The school district furnishes all texts free of charge. Students will be charged for any lost book or for wear beyond normal use. Students will be required to pay the full cost of any lost book. It is recommended that all textbooks have protective covers by the end of the first week of school or a week after issue. Students who have unpaid fines will not be eligible to participate in activity or reward days until the fines are paid or other arrangements have been made.

Visitors and Security

We encourage parents to visit school and participate in our activities. Please prearrange visits with the middle school office. For your student's safety, and the safety of all Howard Lake-Waverly-Winsted students and staff, all visitors must report to the office to get a nametag prior to visiting any part of our schools. Occasionally, pupils ask permission to bring other friends to visit school. We discourage this type of visit and ask that parents cooperate.

Walkers

Students who walk or get a ride to school should not arrive more than 20 minutes before the start of the school day. The playground is supervised by adults at noon recess ONLY.

Withdrawal from School

If a student withdraws from school before the end of the school year, the school's office should be notified one week before departure. All books and school-owned supplies need to be returned to the teacher. The student will receive a current grade report from each teacher prior to leaving. A transcript of the student's records will be sent to the new school when requested by the new school.

STUDENT SERVICES

Food Policy

School district policy prohibits serving food that was prepared at home for parties or treats.

Food Service

Nutritious lunches are served each day for students and staff. The food service staff plans each lunch, which consists of five food groups daily: protein (meat or cheese), vegetable, fruit, bread or bread alternative and milk. A student may have all five items, but must select three of the five. Students who bring their own lunch may purchase milk. The prices for lunch and milk are set by the School Board. All buildings use a computerized lunch program that allows parents to deposit money into a family lunch account. Each student is assigned a four or five digit ID number (PIN) to access their accounts. PIN cards are distributed at each school's open house and/or registration, or may be obtained by calling the Food Service at 320-543-4615.

Guidance and Counseling

The middle school guidance and student services program is established to help promote the social, emotional, and academic growth of the students. The middle school counselor will work with students individually or in large or small groups to address concerns that are affecting the student's behavior, social, or academic wellbeing. This is further accomplished through engaging the teachers, parents, student, and other agencies to give your child a well-balanced educational setting.

Special Education

Special education services are provided to students identified in accordance with state and federal standards. Licensed teachers are employed by District 2687 to provide direct and/or indirect service to students with special needs and support for classroom teachers. Related and itinerant teachers are also available for occupational therapy, physical therapy, developmental adapted physical education and other support needs.

Minnesota uses a categorical qualifying model to identify students who may need special services. Categories include speech and language, specific learning disabilities, autism, developmental cognitive disabilities, traumatic brain injury, emotional/behavior disorders, physically handicapped, vision impaired, hearing impaired or other health impaired.

Most referrals to special education are made by classroom teachers. The Student Intervention Team (SIT) meets to review referral information from parents and classroom teachers.

Parents play a key role in determining whether a child should be assessed or receive special education services. They are also members of the team that develops the student's Individual Education Plan (IEP), which is reviewed and adjusted on an annual basis. If you have any questions or concerns about your child's development, please contact a teacher, counselor, building principal, or the Coordinator of Special Education.

Transportation

The HLWW school bus garage is located at 8700 County Road 6 SW, Howard Lake. Phone number for the bus garage is 320-543-4650. Students riding the bus will be picked up and let off only at their regular stops. Anyone wishing to ride a different bus or get off at a different stop must bring a note from home, have it signed by the principal and presented to the bus driver.

1. Every bus rider must abide by these rules or lose the privilege to ride the bus.
2. All riders shall remain in the seats assigned to them.
3. Keep your head, hands and arms inside the bus.
4. Scuffling, fighting, and obscene language are forbidden.
5. Bus riders will not litter the bus with food or other debris.
6. Bus driver will report any misconduct to the principal.
7. Bus driver is in complete charge while on the bus.
8. Parents will be notified if the misconduct continues. The bus rider may be denied the privilege of riding for the school year.
9. Damage to the bus other than regular usage will be paid for by the rider.
10. Be at the loading pace at the scheduled time. The driver will not wait.
11. Follow the recommended procedure when crossing the roadway.
12. Inform the driver, if possible, when the rider will be absent.
13. Cooperate with the **BUS DRIVER AT ALL TIMES**.
14. Wait in FRONT of the bus, never behind.
15. The school bus is part of the school zone, all other school rules and policies apply.

School Bus Discipline

1. Students exhibiting inappropriate behavior will be written up on a bus discipline report.
2. The first bus discipline report for minor offenses will be a warning.
3. The second bus discipline report may result in a two day bus suspension or other school discipline.
4. Subsequent bus discipline reports may result in longer bus suspensions (i.e. third bus report will result in a 3 day bus suspension).
5. After the fourth bus discipline report for minor/major offenses, a parent/student/administrator/bus driver committee (3 bus drivers) will need to meet at 8:15 a.m. to discuss and set a behavioral expectations plan for further bus riding.
6. Students who have been suspended from bus service and are participating in extracurricular activities that utilize a bus to get to an event or a practice must arrange transportation with their parents and/or guardians and receive an approval for such transportation from the Middle School Office.

STUDENT POLICIES

All policies listed below, in addition to general policies of the district, are located on the Howard Lake-Waverly- Winsted Schools' website at www.hlww.k12.mn.us. A hard copy will be made available upon request.

- Bullying Prohibition Policy
- Equal Employment and Education Opportunity Policy
- Harassment and Violence Policy
- Immunization Policy
- Internet and Electronic Mail Policy
- Mandated Reporting of Child Neglect, Physical or Sexual Abuse Policy
- Protection and Privacy of Student Records Policy
- Public Notice for Directory Information
- Release of Students to Social Service Agent Policy
- Search of Student Lockers, Desk, Personal Possessions and Student's Person Policy
- Student Chemical Awareness Policy
- Student Discipline Policy
- Student Medication Policy
- Student Survey Policy
- Student Transportation Policy
- Weapons Policy

Adopted: 1995

Revised: January 2018

413 HARASSMENT AND VIOLENCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, , age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school district personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)

C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or

413-2
disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.

III. DEFINITIONS

A. "Assault" is:

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

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

1. has the purpose or effect of creating an intimidating, hostile, or

- offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
- 413-3
2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
 7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is

the target or victim of acts of harassment or violence.

F. Sexual Harassment; Definition

413-4

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

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.

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

- a. unwelcome verbal harassment or abuse;
- b. unwelcome pressure for sexual activity;
- c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of the person's sex.

G. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts,

413-5

as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.

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

- a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- c. coercing, forcing, or attempting to coerce or force sexual

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

H. Violence; Definition

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

IV. REPORTING PROCEDURES

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

B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be 413-6

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 the Superintendent, Brad Sellner, 8700 County Road 6 SW, Howard Lake, MN 55349, (320) 543-4646, bsellner@hlww.k12.mn.us, as the school district human rights 413-7 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 school board chair.

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

413-8

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. Where appropriate, the parties will have the opportunity to provide information to the investigator in writing prior to conclusion of the investigation as well as to identify other witnesses or evidence to be considered in the investigation. 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 shall be made based upon substantial evidence and requires a determination based on all the facts and surrounding circumstances.

D. In addition, the human rights officer may take immediate or interim steps, as appropriate, 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. Immediate or interim steps may include, but are not limited to, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between parties, changes in work or educational locations, leaves of absence, increased security and monitoring

of certain areas of the school campus, and other similar accommodations. These immediate or interim steps will be individualized and appropriate based on the information gathered by the human rights officer and may be adjusted during the investigation to ensure that the measures remain effective. The human rights officer will communicate with the parties throughout the investigation to ensure that any interim or immediate

413-9
measures continue to be necessary and effective based on the evolving needs of the parties.

E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation, including a written response to the allegations, and the opportunity to identify other witnesses to be interviewed or other evidence to be considered prior to the imposition of discipline or other remedial responses. The alleged perpetrator will be provided the date of the alleged incident(s), the location where the alleged incident(s) took place, and the school policies, procedures or rules allegedly violated.

F. The investigation will be completed within ten (10) work days. If the investigation cannot reasonably be completed within ten (10) work days, the human rights officer shall document the reason(s) why the investigation cannot be completed within the designated time frame and shall determine the estimated time as to when the investigation will be complete and how a determination of that time frame was reached. When extensions of the initial time frame are needed to complete the investigation, the human rights officer will notify the complainant(s) and individual(s) against whom the complaint is filed, and advise the parties of the estimate time frame for conclusion of the investigation. The human rights officer shall make a good faith effort to ensure that in any event, the investigation is concluded within sixty (60) work days of the filing of the complaint. 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. In addition, if the school district's investigation finds that a violation of this policy occurred, the school district will offer to provide counseling, academic support or other

services deemed appropriate to remediate the effects of the harassing conduct on the complainant(s) and others to deter the reoccurrence of the harassment.

413-10

B. The results of the school district's investigation of each complaint filed under these procedures will be reported, in writing to the complainant(s) and perpetrator(s) in accordance with state and federal data privacy laws. The complainant(s) and perpetrator(s) shall be advised on how to report subsequent harassment and/or retaliation. The notification will include any initial, interim, or final decisions of the school district, any sanctions imposed by the school district and the rationale for the result and sanctions. The reporting party will be informed whether the school district found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, to the extent permitted by data privacy laws, and other steps the school district has taken to eliminate the harassment. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

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

D. The school district will maintain records of its investigation of complaints in a secure location, separate from an employee's or student's file. Records shall include a copy of the complaint or other reports of incidents involving allegations of harassment; a copy of the written report of the investigation, including a narrative of the actions taken by school district personnel in response to the reports; a description of the disciplinary sanctions issued against the perpetrator(s) who violate the policies and procedures of the school district; documentation of interim, remedial or disciplinary measures taken, and all actions taken to prevent a recurrence of any incident(s) and/or retaliation; and any notices to the parties regarding the investigation same; documentation. Documentation will be maintained in a manner that allows the school district to easily cross reference complainants, alleged perpetrators and basis of the alleged harassment/violence in future investigations for the purpose of determining if a pattern of harassment may exist or if additional remedial actions are needed to deter harassment.

413-11

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, the United States Department of Civil Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law. Complainants may pursue a criminal complaint or use the school district's complaint procedure or both processes simultaneously. The school district may defer its proceedings in view of a criminal investigation, but will conclude its investigation within sixty (60) working days of receipt of a complaint, except in extraordinary circumstances.

IX. HARASSMENT OR VIOLENCE AS ABUSE

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

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

X. DISSEMINATION OF POLICY AND TRAINING

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

B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial
413-12

Cross References:

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, and resourcefulness.

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

Minn. Stat. § 121A.031 (School Student Bullying Policy)

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

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972) 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)

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

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

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

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

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

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) 413-13

Annual Notification of Rights: Protection and Privacy of Educational Rights

Pursuant to the requirements of ISD#2687 Howard Lake-Waverly-Winsted School District's Policy regarding educational data privacy, the following constitutes the school district's annual notification to parents and students regarding data privacy practices of the school district.

The school district has adopted a Data Privacy and Student Records Policy incorporating state and federal requirements as to data privacy rights. In summary, the policy provides:

A. Privacy Rights

Educational records which identify, or could be used to identify, a student other than directory information, may not be released to a member of the public without the written permission of the student's parents or guardians, or the student, if he or she is 18, attends a post-secondary institution, is married or has graduated. This general rule is subject to specific and limited exceptions which cannot be set out here, due to limitations of space, but which are set out in district policy.

B. Directory Information

"Directory information" includes a student's picture, parents' name, student's name, address, telephone number, date and place of birth, gender, major field of study, participation in officially recognized activities and sports, weight and height, member of athletic teams, dates of attendance, grade levels completed, degrees and awards received, the most recent previous educational agency or institution attends by the student and other similar information.

Directory information may be released to the public without prior parent or student consent

unless the parent or eligible student has objected in writing to the release of one or more categories of such information. Directory information does not include identifying data which references religion, race, color, social position or nationality. A parent of a student or an eligible student in the district may refuse to permit the release of any or all categories of directory information by contacting the building principal in which said student attends and completing the form Non-release of Information. This objection must be given to the district within thirty (30) days of this publication notice.

C. Inspection of Records

Parents of a student or a student who is 18 or older, may request to inspect and review any of the student's educational records except those which are, by State or Federal law, made confidential. The school district will comply with the request immediately if possible and if not, within five days exclusive of weekends and holidays. In special circumstances, an additional five days may be required in order to comply. Copies of records may be obtained at the actual cost of reproduction.

D. Challenge to Accuracy of Records

A parent of an eligible student who believes that specific information in the student's educational records is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, may request that the school district amend or correct the record in question.

If the superintendent, within a period of thirty (30) days, declines to amend the record as requested, the parent or student who is 18 or older will be advised in writing of their right to request and obtain a hearing.

413 HARASSMENT AND VIOLENCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school

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

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

III. DEFINITIONS

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

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

E. Protected Classifications; Definitions

1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological

maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.

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

F. "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.

G. Sexual Harassment: Definition

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

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.

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

- a. unwelcome verbal harassment or abuse;
- b. unwelcome pressure for sexual activity;
- c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning

an individual's employment or educational status;

- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of the person's sexual orientation, including gender identity or expression.

H. Sexual Violence; Definition

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

I. Violence; Definition

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

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability by a student, teacher,

administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

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

building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

- G. In the District. The school board hereby designates the Superintendent, Brad Sellner, 8700 County Road 6 SW, Howard Lake, MN 55349, (320) 543-4646, bsellner@hlww.k12.mn.us 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 school board chair.
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses, email address 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. Where appropriate, the parties will have the opportunity to provide. 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 shall be in writing prior to conclusion of the investigation as well as to identify other witnesses or evidence to be considered in the investigation. 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 shall be made based upon substantial evidence and requires a determination based on all the facts and surrounding circumstances.

- D. In addition, the human rights officer may take immediate or interim steps, as appropriate, 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. Immediate or interim steps may include, but are not limited to, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort

services, restrictions on contact between parties, changes in work or educational locations, leaves of absence, increased security and monitoring of certain areas of the school campus, and other similar accommodations. These immediate or interim steps will be individualized and appropriate based on the information gathered by the human rights officer and may be adjusted during the investigation to ensure that the measures remain effective. The human rights officer will communicate with the parties throughout the investigation to ensure that any interim or immediate measures continue to be necessary and effective based on the evolving needs of the parties.

E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation, including a written response to the allegations, and the opportunity to identify other witnesses to be interviewed or other evidence to be considered prior to the imposition of discipline or other remedial responses. The alleged perpetrator will be provided the date of the alleged incident(s), the location where the alleged incident(s) took place, and the school policies, procedures or rules allegedly violated.

F. The investigation will be completed within ten (10) work days. If the investigation cannot reasonably be completed within ten (10) work days, the human rights officer shall document the reason(s) why the investigation cannot be completed within the designated time frame and shall determine the estimated time as to when the investigation will be complete and how a determination of that time frame was reached. When extensions of the initial time frame are needed to complete the investigation, the human rights officer will notify the complainant(s) and individual(s) against whom the complaint is filed, and advise the parties of the estimate time frame for conclusion of the investigation. The human rights officer shall make a good faith effort to ensure that in any event, the investigation is concluded within sixty (60) work days of the filing of the complaint. 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

G. Policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations. In addition, if the school district's investigation finds that a violation of this policy occurred, the school district will offer to provide counseling, academic support or other services deemed appropriate to remediate the effects of the harassing conduct on the complainant(s) and others to deter the reoccurrence of the harassment.

B. The results of the school district's investigation of each complaint filed under these procedures will be reported, in writing to the complainant(s) and perpetrator(s) in accordance with state and federal data privacy laws. The complainant(s) and perpetrator(s) shall be advised on how to report subsequent harassment and/or retaliation. The notification will include any initial, interim, or final decisions of the school district, any sanctions imposed by the school district and the rationale for the result and sanctions. The reporting party will be informed whether the school district found that the alleged conduct occurred, any individual remedies offered to the

reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, to the extent permitted by data privacy laws, and other steps the school district has taken to eliminate the harassment. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence
- D. The school district will maintain records of its investigation of complaints in a secure location, separate from an employee's or student's file. Records shall include a copy of the complaint or other reports of incidents involving allegations of harassment; a copy of the written report of the investigation, including a narrative of the actions taken by school district personnel in response to the reports; a description of the disciplinary sanctions issued against the perpetrator(s) who violate the policies and procedures of the school district; documentation of interim, remedial or disciplinary measures taken, and all actions taken to prevent a recurrence of any incident(s) and/or retaliation; and any notices to the parties regarding the investigation same; documentation. Documentation will be maintained in a manner that allows the school district to easily cross reference complainants, alleged perpetrators and basis of the alleged harassment/violence in future investigations for the purpose of determining if a pattern of harassment may exist or if additional remedial actions are needed to deter harassment.

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, the United States Department of Civil Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law. Complainants may pursue a criminal complaint or use the school district's complaint procedure or both processes simultaneously. The school district may defer its proceedings in view of a criminal investigation, but will conclude its investigation within sixty (60) working days of receipt of a complaint, except in extraordinary circumstances.

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

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

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

Minn. Stat. § 121A.031 (School Student Bullying Policy)
 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
 Minn. Stat. § 609.341 (Definitions)
 Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
 42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
 42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

**Cross
References:**

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
 MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
 MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)
 MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
 MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
 MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
 MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
 MSBA/MASA Model Policy 525 (Violence Prevention)
 MSBA/MASA Model Policy 526 (Hazing Prohibition)
 MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

514 BULLYING PROHIBITION POLICY

I. PURPOSE

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

successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See MSBA/MASA Model Policy 506). The school district may take into account the following factors:
 - 1. The developmental ages and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based

developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school district, and foster student, parent, and community participation.

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

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

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

III. DEFINITIONS

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

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

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

- B. “Cyberbullying” means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Intimidating, threatening, abusive, or harming conduct” means, but is not limited to, conduct that does the following:
 - 1. Causes physical harm to a student or a student’s property or causes a student to be in reasonable fear of harm to person or property;

2. Under Minnesota common law, violates a student’s reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. “On school premises, on school district property, at school functions or activities, or on school transportation” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- F. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. “Student” means a student enrolled in a public school or a charter school.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the school district office, but oral reports shall be considered complaints as well.

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

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

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

V. SCHOOL DISTRICT ACTION

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

- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (See MSBA/MASA Model Policy 506) and other applicable school district policies; and applicable regulations.
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not

limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

VII. TRAINING AND EDUCATION

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

- B. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.

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

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

- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve

students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

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

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
7. Foster student collaborations that, in turn, foster a safe and supportive school climate.

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

G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See MSBA/MASA Model Policy 515) in the student handbook.

VIII. NOTICE

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

- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

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

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

- Cross References:**
- MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 - MSBA/MASA Model Policy 413 (Harassment and Violence)
 - MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 MSBA/MASA Model Policy 423 (Employee-Student Relationships)
 MSBA/MASA Model Policy 501 (School Weapons Policy)
 MSBA/MASA Model Policy 506 (Student Discipline)
 MSBA/MASA Model Policy 507 (Corporal Punishment)
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
 MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
 MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
 MSBA/MASA Model Policy 525 (Violence Prevention)
 MSBA/MASA Model Policy 526 (Hazing Prohibition)
 MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
 MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
 MSBA/MASA Model Policy 711 (Video Recording on School Buses)
 MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

524 INTERNET ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

II. GENERAL STATEMENT OF POLICY

In making decisions regarding student and employee access to the school district computer system and the Internet, including electronic communications, the school district considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school district computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The school district expects that faculty will blend thoughtful use of the school district computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The school district is providing students and employees with access to the school district computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school district system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the school district and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district 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 suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:

1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.

5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message. ***[Note: School districts should consider the impact of this paragraph on present practices and procedures, including, but not limited to, practices pertaining to employee communications, school or classroom websites, and student/employee use of social networking websites. Depending upon school district policies and practices, school districts may wish to add one or more of the following clarifying paragraphs.]***
 - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.

In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as “MySpace” and “Facebook.”
 - 7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person’s account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
 - 8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person’s property without the person’s prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 - 9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
 - 10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district’s Bullying Prohibition Policy (MSBA/MASA Model Policy 514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school

district policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

VI. FILTER

[Note: Pursuant to state law, school districts are required to restrict access to inappropriate materials on school computers with Internet access. School districts which seek technology revenue pursuant to Minn. Stat. § 125B.26 or certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children's Internet Protection Act, effective in 2001. Those districts are required to comply with additional standards in restricting possible access to inappropriate materials. Therefore, school districts should select one of the following alternative sections depending upon whether the school district is seeking such funding and the type of funding sought.]

ALTERNATIVE NO. 1

For a school district which does not seek either state or federal funding in connection with its computer system, the following language should be adopted. It reflects a mandatory requirement under state law, Minn. Stat. § 125B.15.

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

[Note: The purchase of filtering technology is not required by state law if the school site would incur more than incidental expense in making the purchase. In the absence of filtering technology, school sites still are required to use "other effective methods" to restrict student access to such materials.]

ALTERNATIVE NO. 2

Technology revenue is available to school districts that meet the additional condition of also restricting adult access to inappropriate materials. School districts that seek such state technology revenue may adopt or retain the following language. However, the school district is not required to do so.

- A. All school district computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All school district computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.

ALTERNATIVE NO. 3

School districts which receive certain federal funding, such as e-rate discounts, for purposes of Internet access and connection services and/or receive funds to purchase Internet accessible computers are subject to the federal Children’s Internet Protection Act, effective in 2001. This law requires school districts to adopt an Internet safety policy which contains the provisions set forth below. Also, the Act requires such school districts to provide reasonable notice and hold at least one public hearing or meeting to address the proposed Internet safety policy prior to its implementation. School districts that do not seek such federal financial assistance need not adopt the alternative language set forth below nor meet the requirements with respect to a public meeting to review the policy. The following alternative language for school districts that seek such federal financial assistance satisfies both state and federal law requirements.

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual

contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The school district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

[Note: Although school districts are not required to adopt the more restrictive provisions contained in either Alternative No. 2 or No. 3 if they do not seek state or federal funding, they may choose to adopt the more restrictive provisions as a matter of school policy.]

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

Use of the school district computer system and use of the Internet shall be consistent with school district policies and the mission of the school district.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

- F. The school district will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the school district.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access the Internet.
- C. The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The Internet Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

X. LIMITATION ON SCHOOL DISTRICT LIABILITY

Use of the school district system is at the user's own risk. The system is provided on an "as is, as available" basis. The school district will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school district diskettes, tapes, hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school district is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school district system. The school district will not be responsible for financial obligations arising through unauthorized use of the school district system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the school district policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with school district policies.
 - 2. Disclaimers limiting the school district's liability relative to:
 - a. Information stored on school district diskettes, hard drives, or servers.
 - b. Information retrieved through school district computers, networks, or online resources.

- c. Personal property used to access school district computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of school district resources/accounts to access the Internet.
3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 4. Notification that, even though the school district may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy
 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
 6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
 7. Notification that, should the user violate the school district's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
 8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the school district system and of the Internet if the student is accessing the school district system from home or a remote location.
- B. Parents will be notified that their students will be using school district resources/accounts to access the Internet and that the school district will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
 1. A copy of the user notification form provided to the student user.
 2. A description of parent/guardian responsibilities.

3. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
4. A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
5. A statement that the school district's acceptable use policy is available for parental review.

XIII. IMPLEMENTATION; POLICY REVIEW

- A. The school district administration may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms, and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school district Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.
- D. Because of the rapid changes in the development of the Internet, the school board shall conduct an annual review of this policy.

- Legal References:**
- 15 U.S.C. § 6501 *et seq.* (Children's Online Privacy Protection Act)
 - 17 U.S.C. § 101 *et seq.* (Copyrights)
 - 47 U.S.C. § 254 (Children's Internet Protection Act of 2000 (CIPA))
 - 47 C.F.R. § 54.520 (FCC rules implementing CIPA)
 - Minn. Stat. § 121A.031 (School Student Bullying Policy)
 - Minn. Stat. § 125B.15 (Internet Access for Students)
 - Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
 - Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
 - United States v. Amer. Library Assoc.*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)
 - Doninger v. Niehoff*, 527 F.3d 41 (2nd Cir. 2008)
 - R.S. v. Minnewaska Area Sch. Dist. No. 2149*, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)
 - Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), *aff'd* on other grounds 816 N.W.2d 509 (Minn. 2012)
 - S.J.W. v. Lee's Summit R-7 Sch. Dist.*, 696 F.3d 771 (8th Cir. 2012)
 - Kowalski v. Berkeley County Sch.*, 652 F.3d 656 (4th Cir. 2011)
 - Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3rd Cir. 2011)
 - Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F.Supp.2d 888 (W.D. Mo. 2012)
 - M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)

J.S. v. Bethlehem Area Sch. Dist., 807 A.2d 847 (Pa. 2002)

Cross References:

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 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
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 519 (Interviews of Students by Outside Agencies)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 806 (Crisis Management Policy)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)