



STUDENT HANDBOOK 2021-22

### Grade Point Average System

A	4.000	B	3.000	C	2.000	D	1.000
A-	3.667	B-	2.667	C-	1.667	D-	0.667
B+	3.334	C+	2.334	D+	1.334	F	0.000

### Uniform Course Grades

A	100 - 93	B-	82.99 - 80	D+	69.99 - 67
A-	92.99 - 90	C+	79.99 - 77	D	66.99 - 63
B+	89.99 - 87	C	76.99 - 73	D-	62.99 - 60
B	86.99 - 83	C-	72.99 - 70	F	59.99 - 0

### Weighted Grades

Students who are enrolled in a course from the following areas either for the first or second semester will be eligible for a weighted grade in that course.

- Project Lead the Way courses (Intro to Engineering & Design, Computer Integrated Manufacturing, Civil Engineering & Architecture, Principles of Engineering)
- Advanced Placement "AP" courses (AP Stats, AP Econ, AP Biology, AP English 11)

### Honor Roll

The Honor Roll will be calculated at the end of each quarter after the two-week make-up period has passed. Students on the "A" or "B" Honor Roll do not necessarily qualify for the "A" or "B" Academic Letter since the requirements differ.

- "A" Honor Roll = 3.501-4.000
- "B" Honor Roll = 3.00-3.500

### Academic Letter

Academic letters are awarded each semester to students in grades 7-12. Awards are determined by the final semester or course grade. The Academic Letter

Committee has established an academic letter award for two levels. Requirements for lettering:

"A" Academic Letter = 3.667 – 4.0

"B" Academic Letter = 3.001 – 3.666

Grades 7 – 10: No lower than a B; no more than one B

Grades 7 – 10 : No lower than a C; no more than one C

Grades 11 – 12: No lower than a B; no more than two B's

Grades 11 – 12 : No lower than a C; no more than 2 C's

The grade point requirements and grade limitations must be met in order to receive the qualified letter. Awards are presented at the Academic Breakfast, which is held in the fall (2nd semester academic letter winners of the previous school year) and in the spring (1st semester academic letter winners), for letter-winners, parents, guardians, and interested community members. There is a charge for the breakfast (please refer to meal prices) however, award recipients eat free of charge.

### Incomplete Grades

All incomplete grades must be made up within two weeks after the issuance of quarterly report cards, unless otherwise arranged with the principal and instructor. After the two-week period, the "I" will be recorded as an "F".

### Credit Recovery

Credit Recovery is an option for students who have failed a course and need to earn credits toward graduation. Credit Recovery options are Pass/Fail. If a student wishes to have a grade for GPA purposes, he/she must retake the entire course at Waubun High School. Credit Recovery options are offered beyond the regular school day or during the summer. Students may not schedule credit recovery courses during the regular school day unless approved by the high school principal. Students may not drop a course at Waubun High School and then sign up to take the same credit recovery course during the same semester.

### Online Classes Procedure

Students taking College in the High School online classes are considered the same as regular instructional students. Students must be in school during online class time and are to remain in the online classroom that is assigned.

### Graduation Requirements

Graduates of Waubun High School must earn a minimum of 28 credits in grades 9-12, including the following courses:

- 3 credits in Science (Biology, Physics & Chemistry)
- 3.5 credits in History/Social Studies (Civics, American History, World History, Economics)
- 4 credits in Math (Algebra 1 must be obtained by 8<sup>th</sup> grade)
- 4 credits in English
- 1.5 credits in Physical Education
- 1 credit in Health
- 1 credit in Technology
- 1 credit Senior Seminar
- 9 credits of elective courses – one credit must be in the area of dance, music, theatre, visual and/or media arts

Transfer students with different credit requirements will receive pro-rated credits to align with Waubun High School requirements. Special learning plans may modify this rule. Seniors are required to register for 8 credits during their senior year. Early graduation is not an option.

### Standards-Based Accountability Assessments

The Minnesota Comprehensive Assessments (MCA) and alternate assessment Minnesota Test of Academic Skills (MTAS) are the state tests that help districts measure student progress toward Minnesota's academic standards and also meet the requirements of the

Elementary and Secondary Education Act (ESEA). Students take one test in each subject. Most students take the MCA, but students who receive special education services and meet eligibility requirements may take the alternate assessment MTAS instead.

The list below shows tests by subject along with the grades they are given in parentheses behind each subject.

Reading: MCA or MTAS (grades 3-8, 10)

Mathematics: MCA or MTAS (grades 3-8, 11)

Science: MCA or MTAS (grades 5, 8, and high school)

#### MCA for Graduation Requirements

High school students enrolled in grade 8 in the 2016-17 school year or later are required to demonstrate their understanding of required academic standards on state developed reading, and math tests as a condition of graduating from high school; effective for students entering grade 9 in the 2017-18 school year.

#### Honor Graduates

All students graduating from Waubun School District having a 3.667 cumulative GPA in courses completed in grades 9-12 will be designated Honor Graduate status. The cut-off for Honor Graduate GPA is the end of 3rd quarter of the senior year. Students participating in homeschool or alternative education are not eligible for class rank. Transfer students must maintain a 3.667 while in attendance at Waubun High School in order to qualify for honor graduate status. Waubun High School will honor a class Valedictorian. The Valedictorian will be the student with the highest grade point average and must also have an ACT score of 21 or better. Students must have completed a minimum of 16 credits at Waubun High School in order to qualify for Valedictorian.

#### Graduation Ceremony Participation

- Student must be enrolled full time in accordance with the regular attendance policy. Authorized programs include any Alternative Education program or the Post-Secondary Enrollment Options program (PSEO)
- ALC student credits must be completed by May 1st of the graduating year
- Student must have fulfilled all local and state graduation requirements, including state mandated tests
- Student must complete any detention assignments or any other disciplinary assignments
- Student must not have any unpaid fees or bills
- Student must attend graduation rehearsal as scheduled by administration.
- Students must be in good standing, meeting attendance and discipline expectations
- Students able to participate in the graduation ceremony who have not completed all the requirements will receive a diploma cover. Diplomas will be awarded only upon satisfactory completion of all graduation requirements.

If a student is under the influence of alcohol or any other controlled substance prior to the graduation ceremony, they will be reported to law enforcement, restricted from the premises not allowed to participate in the graduation ceremony.

#### Attendance and Earning Credit

Minnesota State Law requires that all persons under 18 years of age attend school. The Compulsory School Attendance Law states that all children between the ages 7-17, and ages 5 and 6 if they are enrolled in school, must attend school every day on time unless lawfully excused by the school. Students must be in attendance 90% of the time as required by the Elementary/Secondary Education Act. Students with less than 90% attendance may be recommended for retention.

If you need to be absent from school, please contact the school attendance office. Students may be excused for up to 8 absences per year. All absences beyond the allowed 8 will be considered unexcused and subject to truancy. School-related activities such as contests and field trips are not considered absences and won't count toward overall attendance. Under Minnesota law, school administration has the right to determine the validity of any request for an unexcused absence. Parents will be contacted by phone or mail when concerns arise about the number of absences or tardiness. Students who habitually miss the same class period(s) will be subject to truancy. Below are valid excuses to miss school:

- Illness – A parent or guardian must verify the illness (Doctor's note required after three consecutive days of illness. Medical documentation required for all medical excuses after 8 cumulative days.)
- Medical/Dental appointments that cannot be scheduled outside of school hours (verification from the provider is required)
- Extreme family emergency – A parent or guardian must verify the absence (e.g. house fire, critical injury to parent/guardian, funeral of a close family member)
- Court appearances occasioned by family or personal action (verification is required)
- Prior approval by the school principal is required for absences due to travel
- Active military duty in any United States branch

#### Missed Assignments Due to Absence

It is the student's responsibility to gather missed assignments and submit the completed work within the time specified by the teacher. Generally, assignments will be given to the student upon returning to school. This enables the teacher to give needed instruction and help the student complete the assignments successfully when he/she returns to school. The classroom teacher may recommend an alternate packet of work.

Work missed because of absence must be made up within two (2) school days for every day absent. Any work not completed within this period shall result in "no credit" for the missed assignment. However, the classroom teacher may extend the time allowed for completion of make-up work in cases of extenuating circumstances.

### Tardiness

Students arriving late to school must check in at the appropriate school office for an admit slip. Lunch detention will be assigned after three tardies to class and for each tardy thereafter, per quarter. More serious consequences will be imposed for excessive tardies to class or school, including a parent meeting with the goal of improving overall attendance issues. Teachers may have alternative or additional consequences for tardiness to their classes.

### Truancy

Pursuant to state laws and regulations, students shall be in attendance each day that school is in session. The authority to decide whether an absence is excused or unexcused rests with the building principal. Truancy, for purposes of this policy, is the absenting of one's self from school or class without the approval of the school. Parents will be notified by mail after three days of truancy in elementary grades (KG-6), or three or more class periods on three days in secondary grades (7-12). Parents and the appropriate county/tribal authorities will be notified of habitual truancy after seven days of truancy in elementary and seven or more class periods on seven cumulative days in secondary grades. Truancy reporting is based on cumulative days of truancy during any one school year. Any absence without parental contact will be considered truant.

### Bus Policies

The bus route is designed to provide student safety to and from school. Riding the bus is a privilege and not a right. Failure to follow bus rules may result in loss of bus privileges, Minn. Statue 123.7991.

At the bus stop students are asked to:

- Be on time. (It is recommended that parents accompany younger students to the bus stop for the first few days.)
- Board the bus only at your assigned pick-up point.
- Wait for the bus to come to a complete stop before attempting to board

#### Student Behavior Expectations

- Obey driver at all times
- Wait for bus off roadway
- Cross road in front of bus, never behind
- Keep head and hands inside bus
- Remain seated at all times
- No shouting or loud noises that may distract the driver
- Use respectable language at all times
- Do not throw things
- Report to bus driver at once any damage observed
- Student will pay for any responsible damage to bus
- Keep bus clean

### Bus Passes

Students are expected to ride their assigned bus. Bus passes will be issued to students who need to ride an unscheduled route. To obtain a bus pass the student should bring a note from home to the office before school starts stating what route he/she will need to ride and the location of the stop where they need to get off. Bus passes are subject to the maximum capacity of each bus and are restricted to scheduled stops on the bus route. All bus pass requests must be received by the school office before 2:30 PM daily.

### Late Bus

A late bus will be provided for students participating in after-school activities or athletics. The late bus departs from Waubun at 5:30 PM and from Ogema at 5:45 PM Monday through Friday. Bus stops include Ogema School, White Earth Dispatch, Taylor Baits & the Lutheran Church in Elbow Lake Village. Students riding the late bus must get a pass from their supervisor or coach in charge of their attended activity.

### Class I Bus Offenses

- Excessive noise
- Excessive horseplay
- Out of seat or standing while bus is in motion
- Spitting
- Possession of prohibited material
- Riding unassigned bus without permission
- Eating or drinking (at the driver's discretion)
- Other offenses as reported by the driver

### Class I Bus Consequences

**First bus report:** Warning. Parent and principal are notified.

**Second bus report:** Student is suspended from the bus for three (3) days. Upon regaining bus privileges, the student may be assigned to a seat for two weeks or more at the bus driver's discretion. Parent and school official conference may be required.

**Third bus report:** Student is suspended from the bus for five (5) days beginning the following day and possibly for the remainder of the school year. A MANDATORY conference (including the student, parent, driver, and principal or designee) will be held to develop a behavior contract before the student's bus privileges are reinstated. The student may have an assigned seat for the remainder of the year which will be at the bus driver's discretion.

**Fourth bus report:** Student will be removed from the bus for the remainder of the school year. The student will not be allowed to ride any other district school bus

### Class II Bus Offenses

- Hanging out of window
- Throwing or shooting of any object
- Physical aggression against another person
- Use or possession of tobacco or controlled substance
- Vandalism (restitution will be made)
- Profanity, verbal abuse, harassment, obscene gestures

- Lighting matches, firecrackers, or any flammable object
- Holding or attempting to hold on to any exterior portion of the bus
- Tampering with the emergency door or other bus equipment
- Unauthorized entering or leaving through emergency door
- Spitting on others
- Other offenses as reported by the driver

Any offense committed on any bus outside of regular transportation (activity bus, field trips) will be a minimum Class II first offense.

#### Class II Bus Consequences

**First bus report:** Student is suspended from the bus for five (5) days.

**Second bus report:** Student is suspended from the bus for ten (10) days. A MANDATORY conference (including the student, parent, driver, and principal or designee) will be held to develop a behavior contract before the student's bus privileges are reinstated. The student may have an assigned seat for the remainder of the year which will be at the bus driver's discretion.

**Third bus report:** Student will be removed from the bus for the remainder of the school year. The student will not be allowed to ride any other district school bus.

**Severe Clause:** In severe cases, where student(s) have been placed in danger as a result of bus misbehavior, the student(s) engaged in the misbehavior may be immediately removed from the bus for the remainder of the school year or longer.

#### Behavior Consequences for Late or Activity Bus

**First bus report:** Loss of late or activity bus privileges for the remainder of the school year.

When a student has suspended bus privileges, they MAY NOT RIDE ANY DISTRICT SCHOOL BUS for the duration of suspension.

#### Acceptable Technology Use

The Waubun School District offers internet access for student classroom activities and career development. The district has the right to place restrictions on the material accessed and has installed software that is designed to prevent students from accessing inappropriate or unacceptable websites. The following rules exist to ensure that student use of the computer network is in compliance with the school district's policy for Acceptable Use of Technology:

- All students are expected to follow copyright laws that provide legal protection to the author or creator of information
- Student use of the computers and computer network is only allowed when supervised by a staff member
- Always ask permission before using the computer
- Accessing files and/or documents of others is prohibited
- Attempting to log on to a computer or e-mail system by "cracking a password" is prohibited. Assisting others in violating this rule by sharing information or passwords is also unacceptable.
- Improper use of the computer network is prohibited. This includes games, accessing inappropriate information, selling or buying any products, political lobbying, using threatening or obscene language, and any type of illegal activities. If there is a question about the appropriateness of a computer activity, a teacher's permission should be obtained.
- Use of personal e-mail, social media sites and the exchange of any personal contact information is prohibited

Violations of this policy will, in most cases, result in the loss of computer and network privileges. School disciplinary action, as well as other possible consequences, including referral to law enforcement agencies, may be imposed.

#### Aerosol Cans

Aerosol cans are prohibited from school. Violations will result in confiscation and may include disciplinary action.

#### Alcohol/Tobacco/Drug Free Zone

The School Board does not permit students to use or possess e-cigarettes, tobacco, alcohol, or narcotics on school premises, at school activities or on school buses, including medical marijuana or medical cannabis, even when prescribed by a physician. Possession and use of narcotics without a prescription is illegal at any age. State law also requires schools to hold all students to the same rules and regulations of conduct, regardless of whether the student is older than or younger than 18. In the event of any alcohol, tobacco or other drug violations, a school pre-assessment team is required to discuss each incident and make recommendations for follow-up actions for the student.

#### Appropriate Language

Students are expected to use appropriate language on school property. Any student who chooses to use offensive language, written, spoken, or demonstrated will be subject to disciplinary action as outlined in the disciplinary guidelines.

#### Assembly Behavior Expectations

During school assemblies, students are expected to listen, pay attention and not talk during presentations. Behaviors which are disrespectful toward school guests, performers, faculty or administrators will not be tolerated. Any student who fails to meet behavior expectations will be removed from said assembly, barred from the next two (2) assemblies and may be subject to additional discipline.

#### Cell Phones

##### **Waubun Grades 5-8**

Cell phones brought to school will remain in lockers. Students are not permitted to use cell phones during the day. Cell phones will be confiscated if they are found during the school day and returned at the end of the day.

##### **Waubun Grades 9-12**

Cell phones should not be seen or heard during instructional time therefore, they will be turned off and collected by school staff at the beginning of each class. Cell phones will be confiscated if they are found in the locker rooms or restrooms at any time during the school day or in use at any time other than stated above. Our confiscated cell phone policy is outlined below.

First offense and second offense: The phone will be returned to the student at the end of the day

Third offense: All day in-school suspension and parent meeting scheduled. Phone will be returned to student at the end of the day

#### Dance Guidelines

Dances are a privilege and students who wish to attend must abide by the guidelines. Students who have been suspended for one or more days, in or out of school, the week before a dance will not be allowed to attend. Students must be present in school for at least ½ the day of the dance (or the Friday before if the dance is on Saturday) in order to attend. Students attending a dance must arrive within the first hour of the dance. If students choose to leave the dance, they will not be re-admitted. Guests may be allowed to attend at the discretion of the district, provided a guest form is filled out a week prior to the dance. Specific dress codes and age or grade limitations will be implemented and enforced at dances.

#### Dress Code

We expect students to dress in a manner appropriate for school. We reserve the right to speak to students wearing inappropriate clothes and accessories. Students may be asked to change or cover inappropriate clothing. School dress code rules apply to physical education class as well. If students are noncompliant, consequences will occur. Inappropriate types of clothing that are unacceptable are as follows:

- Loose-fitting pants that are grossly oversized, with the inseam hanging less than four inches above the knee area or that display undergarments
- Shoes with wheels, roller blades or other roller-skate type shoes
- Clothing containing obscene or discriminatory language or images
- Clothing that promotes products or activities which are illegal for use by minors such as tobacco or chemicals
- Any objectionable images or words that communicate messages that could be construed as gang related
- Clothing that displays bellies, backs, breasts and bra straps (shorts and skirts should reach the end of fingertips); no strapless
- Caps, hats, scarves, or other headgear unless exceptions have been approved by the principal
- Coats or heavy jackets
- Tennis shoes are required for phy-ed classes. Black soled shoes and slip-on shoes are not allowed in the gymnasium.

#### Extracurricular Activities

The extracurricular programs at the Waubun School District are an important part of the school's culture. Extracurricular activities are a privilege. Any student participating in these activities will conduct themselves in accordance with the regulations of the Minnesota State High School League and Waubun School Board policies. A complete description of eligibility rules and the Waubun High School athletic policies will be given to athletes at the beginning of each activity. Coaches and advisors may add requirements and consequences at their discretion. Students and parents will be made aware of any additional requirements and consequences in writing. Meetings will be held with coaches, families and students to distribute and review the contents of the handbook prior to the school year. If you have any questions, call the Waubun Athletic Director.

#### Food and Beverages

No pop or soda is allowed on the school grounds during the regular school day unless pre-approved by the principal. Students may not eat or drink in the classrooms, library or corridors except for specially permitted occasions. Students may have bottled water in class. Energy drinks are not recommended for consumption by anyone under the age of 18. Energy drinks will not be permitted on the school grounds at any time. This includes all school and athletic buses.

#### Harassment and Violence

The district has adopted a policy that prohibits harassment or violence directed toward students or staff. Harassment may include, but is not limited to, name-calling, discriminatory jokes, rumors, sexual advances and unwelcome touching. Violence may be defined as any word, look, sign, or act that hurts a person's body, possessions, dignity or security. Students who choose to harass, intimidate or behave in a violent manner will be disciplined accordingly.

#### Hazing

The school district has a policy that strictly prohibits hazing on and off school property, both during and after school hours. "Hazing" is defined as committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization. Any acts of hazing should be reported immediately to the principal or dean of students. School district officials or a designated third party will conduct an investigation. The district will take steps to protect the complainant or reporter. Appropriate disciplinary action will be taken after the investigation is complete.

#### Outdoor Dress

It is important for students to dress appropriately for the weather. We believe that students need physical activity on a daily basis. Students in the elementary grades will go outside for a 15-30 minute recess period on most school days unless severe weather conditions are present. In addition, although the buses are heated, students should wear appropriate winter apparel in the event of bus problems.

### Prom

Prom is a privilege and students who wish to attend must abide by the guidelines.

- Students must not have a suspension of 1 or more days, in or out of school during the week prior to the dance.
- Students with 14 or more unexcused absences won't be allowed to attend
- ALC students must be meeting their attendance requirements
- All students must attend school the day before prom
- Students must have enough credits to be considered a junior or senior

Guests may be allowed to attend at the discretion of the district, provided they are a sophomore or freshman and have submitted a completed guest form at least one week prior to the prom.

### Pledge of Allegiance

The 2003 Minnesota State Legislature made it mandatory for students in public schools to say the Pledge of Allegiance at least once a week. Individual classroom teachers may say the Pledge of Allegiance daily. Anyone who does not wish to participate in reciting the pledge may elect not to and everyone must respect another person's right to make that choice.

### Personal Property

It is unwise to bring valuables to school or to keep valuables in a locker. The school district is not responsible for any item that is lost or stolen at school or on the bus. If it is necessary to bring valuables to school, it is advised that the student check them in with the office.

### Personal Relationships

School policy states that holding hands, kissing, hugging or hanging on each other is not acceptable or appropriate behavior on school property. Students violating this policy will be referred to parents or guardians.

### School Locks/Lockers

All locks and lockers are property of the school and are provided to each 5-12 student at the beginning of the school year. Students are to use the lock and locker assigned to them. Any locker and lock changes must be made and approved by the school office. All locks are to be turned in at the end of the school year. Students will be charged the cost of the lock if lost or not returned. Students should lock their lockers at all times. Personal locks will not be allowed. NO EXCEPTIONS! If a personal lock is found on a locker it will be removed.

Gym lockers are used to store clothing for physical education classes and extra-curricular sporting activities. Students are not allowed into gym locker areas during the school day except when they are dressing for physical education classes.

### Searches

Lockers, desks and students are subject to periodic searches by designated school personnel at any time, for any reason and without student consent or a search warrant. Personal possessions within a school locker or desk may be searched when school authorities have a reasonable suspicion that the search will uncover evidence that the student is in violation of the law or school policy.

### Trespassing

Students who have been suspended and who refuse to leave school grounds or who return to school grounds before the suspension is complete may be charged with trespassing. Anyone asked to leave school grounds may be prohibited from returning to school grounds for a period not to exceed 6 months under Minnesota statute 609.605. Students who violate this policy will be considered trespassing and disciplined accordingly.

### Use of Trained Dogs

The district may use specially trained, non-aggressive dogs to alert staff to the presence of substances prohibited by law or district policy. The dogs may sniff the air around lockers, desks, bags, items or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff any person. The above inspections may be made at the discretion of the administration. Trained dogs sniffing cars and lockers do not constitute a search under the Fourth Amendment. If a student refuses to consent to search of a vehicle, local law enforcement may obtain a search warrant based on a dog's alert on the vehicle. If any contraband is found in a vehicle, appropriate police action will be taken. If law enforcement authorities are involved in the search, the search shall be conducted under criminal law standards rather than school policy.

### Weapons Free Zone

Students may not possess weapons of any kind, including look-alikes, on school property. A violation will result in immediate suspension from school pending review for expulsion from school. The incident will be reported immediately to local law enforcement officials. Weapons violations on school property are considered a felony in the state of Minnesota.

### Bullying Prohibition Policy

The Waubun Ogema White Earth School District #435 strives to provide safe, secure, and respectful learning environments for all students in school buildings, on school grounds, on school buses, and at school-sponsored activities. Bullying is conduct that interferes with a student's ability to learn and a teacher's ability to educate.

This policy protects students against bullying and retaliation by other students. This policy also protects any student who voluntarily participates in any district function or activity from prohibited conduct, whether the student is enrolled in the district or not.

This policy can be found in the school's student handbook, within the school and district administrative offices, and electronically at [www.waubun.k12.mn.us](http://www.waubun.k12.mn.us). The policy is also provided to all school employees, independent contractors, and volunteers who interact with students.

## **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 students' ability to learn and teachers' 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, it is the school district's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline 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, and other similar disruptive behavior.

## **GENERAL STATEMENT OF POLICY**

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions. 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 that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are 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 the prohibitions contained in this policy. 514-2

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, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with school district's policies and procedures. The school district may take into account the following factors:

1. The developmental 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 positive behavioral interventions up to and including suspension and/or expulsion. 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 and/or termination of services and/or contracts.

G. The school district will act to investigate all complaints of bullying 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.

**DEFINITIONS 514-3** For purposes of this policy, the definitions included in this section apply.

A. "Bullying" means any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to a student or a group of students and which substantially interferes with another student's or students' educational benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct by a student against another student or a group of students that a reasonable person under the circumstances knows or should know has the effect of:

1. Harming a student or a group of students;
2. Damaging a student's or a group of students' property;
3. placing a student or a group of students in reasonable fear of harm to person or property;
4. Creating a hostile educational environment for a student or a group of students; or
5. Intimidating a student or a group of students.

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

C. "On school district property or at school-related functions" 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.

#### **REPORTING PROCEDURE**

A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying 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's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.

B. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school 514-4 district office, but oral reports shall be considered complaints as well.

C. The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving reports of bullying at the building level. Any person may report bullying 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.

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 receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.

E. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

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

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

#### **SCHOOL DISTRICT ACTION**

A. Upon receipt of a complaint or report of bullying, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.

B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.

C. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the 514-5 Minnesota Pupil Fair Dismissal Act; school district policies; and regulations.

D. 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 involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

**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 retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

#### **TRAINING AND EDUCATION**

A. The school district annually will provide information and any applicable training to school district staff regarding this policy.

B. 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.

C. 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 victim, and to make resources or referrals to resources available to victims of bullying.

D. 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.

NOTICE 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.

#### Discipline Policy and Procedure

We believe all students can behave appropriately in school. Therefore, we will not tolerate behavioral disruptions to our learning environment. Students may be sent to the office immediately for being insubordinate, harming other students or destroying school property.

#### **ADDITIONAL DISCIPLINE INFORMATION**

- Reasonable Force Statement – Administrators, teachers, school bus drivers, and other staff of the school may use reasonable force with students, when necessary, in compliance with Minnesota Statute 121A.582 and other laws.
- Special Education or Disabled Students – Consequences for Special Education or disabled students may be adjusted, as required by federal and state laws and regulations and/or the student's individual education plan (IEP), when appropriate. Special Education students and their parents may request modification of these policies and accommodations when appropriate.
- Law Enforcement Referral – Administrators will involve the police or other law enforcement authorities as necessary; if a student violates a district policy that also violates a law, the student will be referred to the law enforcement.
- Unique Situations – Because it is not possible to list every violation that occurs, those not specified will be responded to as necessary by staff on a case-by-case basis. Unique or special circumstances may call for an adjustment in the discipline policies to meet the school's needs.
- Off Campus Behavior – Any behavior that substantially disrupts school order, even if it does not occur on school property, may be subject to disciplinary action by school administration.
- No Privilege List – Students may be placed on a no-privilege list at the discretion of the principal or the dean of students. Students will not be allowed to leave class during the period except for limited purposes and may lose other privileges as well.
- Lunch/Homeroom Detention and After School Detention – Failure to serve assigned detention will result in additional consequences.
- In-School Suspension – Students who are assigned to in-school suspension but do not behave appropriately at in-school suspension will either receive additional consequences or will spend the remainder of the suspension time out of school.
- Modification of Consequences – Consequences for a specific violation can be adjusted on an individual basis at the discretion of building administration.
- Tenneson Warning – School officials may need to speak with students to determine whether attendance and disciplinary policies have been violated. Although students do not have to provide information to school officials, the expectation is that all students will cooperate with school officials during any investigation. Students who do not cooperate are subject to disciplinary action.

#### Discipline Action Options

Inappropriate classroom behavior that is ongoing and/or disrupts the learning of other students, and is not corrected by teacher intervention may require other disciplinary action. Below is a list of possible disciplinary actions that may occur when student behavior interferes with the educational process.

- |                                                    |                                                                             |
|----------------------------------------------------|-----------------------------------------------------------------------------|
| • Confiscation of items not appropriate for school | • Schedule adjustment or modified school programs                           |
| • Removal from class                               | • Financial restitution                                                     |
| • Meet with teacher, counselor, dean or principal  | • Referral to police or other authorities                                   |
| • Lunch, homeroom, or after school detention       | • Expulsion                                                                 |
| • In-school or out of school suspension            | • Other disciplinary actions deemed as appropriate by school administration |
| • Parental conference                              |                                                                             |
| • Loss of school privileges                        |                                                                             |

#### Suspension – Expulsion

Occasionally it becomes necessary to suspend or expel a student from school. In this event, all procedures will be governed by MSA 127.26 – 127.40, commonly known as Minnesota Pupil Fair Dismissal Act. Under the provisions of the law, students may be suspended or expelled from school for any of the following:

- A. Willful violation of any reasonable school board regulation.
- B. Willful conduct which materially and substantially disrupts the rights of others to an education.
- C. Willful conduct which endangers the student, or other students or school property. Expulsions may be imposed by the School Board upon recommendation by the Expulsion Review Committee (which may be composed of at least four of the following: superintendent, principal, dean of students, school social worker, school counselor, district American Indian advocate). Expulsions may be for the remainder of the school year or less, or, in the case of bringing a firearm to school, 365 days from the date of the incident.

A student who wants to re-enter school following an expulsion must make application for re-admittance to the Waubun or Ogema School Office prior to the beginning of the school year following the incident.

## Discipline Guidelines

All disciplinary action is subject to the discretion of the principal. Below are general guidelines that provide a range of penalties, which may vary depending on the situation. Every attempt will be made to maintain consistency in the consequences administered to students for unacceptable behavior on school property and at school sponsored events. Severe offenses at each level may be subject to the strictest disciplinary action at each level, at the discretion of the principal.

### Swearing/Vulgar Language Consequence

Profanity, including gestures or substitutes, is not allowed at any school event.

1st Offense - One day in or out of school suspension

2nd Offense - Up to three days of in or out of school suspension

Subsequent Offenses - Up to ten days of in or out of school suspension

### Level I Offenses

- Aggressive behavior
- Cheating (includes loss of credit)
- Computer misuse
- Disrespectful behavior
- Dress code
- Forgery/falsification of information
- Gambling
- Gang symbols (drawing, displaying)\*\*
- Insubordination
- Leaving school grounds
- Nuisance devices (toys, media devices, laser lights, etc.)
- Public display of affection
- Scuffling/horseplay
- Skipping Class
- Trespassing\*

### Level II Offenses

- Bullying (includes cyber bullying)
- Computer misuse
- Fighting or instigating a fight
- Harassment
- Leaving school grounds without permission
- Possession of drug paraphernalia
- Smoking/possession of tobacco
- Stolen property theft/possession
- Threatening or intimidation of student/staff
- Vandalism

### Level II Consequence

1st Offense - Up to three days of in or out of school suspension, possible referral to law enforcement

2nd Offense - Up to five days of in or out of school suspension, possible referral to law enforcement

Subsequent Offenses - Up to ten days of in or out of school suspension, referral to law enforcement, and possible referral to the expulsion review committee to review for expulsion recommendation

### Level III Offenses

- Burglary
- Disorderly conduct (student does not respond to staff interventions)
- Extortion
- Hazing
- Physical assault on student/staff
- Possession of ammunition
- Reckless driving (on or around school property)
- Under the influence of alcohol/drugs (on or at school property)

### Level III Consequence

1st Offense - One to five days of in or out of school suspension, possible referral to law enforcement, restitution when appropriate, possible referral to the expulsion review committee to review for expulsion recommendation

Subsequent Offenses - One to 10 days of in or out of school suspension, referral to law enforcement, and referral to the expulsion review committee to review for expulsion recommendation

### Level IV Offenses

- Alcohol possession or distribution on school property
- False fire alarms/bomb threats/setting fires (includes firecrackers and other incinerating devices, chemical or imploding devices, and tampering with sprinkler systems or fire alarms/extinguishers)
- Illegal drugs/marijuana possession or distribution on school property
- Weapon possession (includes look-alikes)
- Sexual criminal conduct

Level IV Consequence: 10-15 days out of school suspension, referral to law enforcement and referral to the expulsion review committee to review for expulsion recommendation

**522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

*[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 C.F.R. Part 106. These regulations, which go into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements.]*

*The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 C.F.R. § 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations].*

**I. GENERAL STATEMENT OF POLICY**

- A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.
- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is/are:

Human Resource Professional ISD #435 1013 3<sup>rd</sup> Street Waubun MN 56589 218-473-6171

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

- E. The effective date of this policy is August 14, 2020 and applies to alleged violations of this policy occurring on or after August 14, 2020.

## **II. DEFINITIONS**

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- A. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- B. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.
- C. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
  2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- D. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- E. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- F. "Remedies" means actions designed to restore or preserve the complainant's equal access to education

after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

- G. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- H. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
  - 1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  - 2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
  - 3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).
- I. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
- J. "Title IX Personnel" means any person who addresses, works on, or assists with the school district's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
  - 1. "Title IX Coordinator" means an employee of the school district that coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
  - 2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
  - 3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
  - 4. "Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third

party designated by the school district.

5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

***[NOTE: It is recommended that school districts designate a primary Title IX Coordinator and at least one alternate Title IX Coordinator so that the alternate can undertake Title IX Coordinator responsibilities in the event the primary Title IX Coordinator is a party to a complaint, or is otherwise not qualified under this policy to serve in that role in a particular case.]***

### III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

#### A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

#### B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

- C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

#### D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise

affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

J. Timelines

***[NOTE: The Title IX regulations require reasonably prompt timeframes for conclusion of the grievance process, but do not specify any particular timeframes. The time periods below are suggested. School districts may establish their own district-specific timeline, although it is recommended that legal counsel be consulted before adjusting time periods.]***

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

IV. **REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as

soon as possible to the Title IX Coordinator.

- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

#### **V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.
- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
  - 1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  - 2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - 3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
  - 4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
  - 5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and

6. A copy of this policy.

## VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

### A. Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
  - a. The school district undertakes an individualized safety and risk analysis;
  - b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
  - c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including MSBA Model Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

***[NOTE: The interrelationship between the Title IX regulations authorizing the emergency removal of student and the Minnesota Pupil Fair Dismissal Act (MPFDA) is unclear at this time. School districts should consult with legal counsel regarding the emergency removal of a student. At a minimum, it is recommended that school districts provide alternative educational services, as defined in the MPFDA, to any student so removed under the Title IX regulations.]***

### B. Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

## VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

#### **VIII. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
  - 1. Would not meet the definition of sexual harassment, even if proven;
  - 2. Did not occur in the school district's education program or activity; or
  - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
  - 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
  - 2. The respondent is no longer enrolled or employed by the school district; or
  - 3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

***[NOTE: For example, school districts are reminded of the obligation under Minn. Stat. § 122A.20, subd. 2, to make a mandatory report to PELSB concerning any teacher who resigns during the course of an investigation of misconduct.]***

#### **IX. INVESTIGATION OF A FORMAL COMPLAINT**

- A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about

the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.

- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

#### **X. DETERMINATION REGARDING RESPONSIBILITY**

***[NOTE: The Title IX regulations do not require school districts to conduct live hearings as part of the decision-making phase of the grievance process. Accordingly, this Policy does not include procedures for a live hearing. If a school district desires to create such procedures, legal counsel should be consulted.]***

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered; and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
  - 1. Identification of the allegations potentially constituting sexual harassment;
  - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties; interviews with parties and witnesses, site visits; and methods used to gather other evidence;
  - 3. Findings of fact supporting the determination;

4. Conclusions regarding the application of the school district's code of conduct to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
  6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
  - F. The written determination of responsibility must be provided to the parties simultaneously.
  - G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
  - H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **XI. APPEALS**

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
  1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
  3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

#### **XII. RETALIATION PROHIBITED**

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified,

assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **XIII. TRAINING**

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
  - 1. The Title IX definition of sexual harassment;
  - 2. The scope of the school district's education program or activity;
  - 3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
  - 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  - 5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
  - 6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

### **XIV. DISSEMINATION OF POLICY**

- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.

- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
  - 1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
  - 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
  - 3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
  - 4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

## **XV. RECORDKEEPING**

***[NOTE: School districts should consider amending their respective retention schedules to reflect the recordkeeping requirements discussed below].***

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
  - 1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
  - 2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
  - 3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
  - 4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school district must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

**Legal References:**

Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)

Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)

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

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

34 C.F.R. Part 106 (Implementing Regulations of Title IX)

20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)

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

42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act of 1990, as amended)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)

20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

**Cross References:**

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

**E-Learning Days**

As part of WOVE's commitment to providing the highest quality education to our students, our district has opted to take advantage of e-learning days in the event of school closures due to inclement weather. The following information outlines our district's current e-Learning plan:

**1. Communication**

- Advance notice of an e-learning day will be given as soon as possible. Parents/Guardians will receive an automated phone call, email and optionally a text via the district's mass notification service. This notice will also provide instructions for accessing assigned e-learning activities.
- The district has developed a webpage that provides families additional information about e-learning days. This webpage can be accessed through the school's website under Public Information, or by using this address: <https://www.waubun.k12.mn.us/o/waubunogemawhiteearthschoolsminn/page/e-learning--64>
- When an e-learning day is declared, teachers will be responsible for updating their Google Classroom or SeeSaw pages with information and instructions.

## 2. Instruction

- Learning activities will be delivered primarily online
- Learning activities will be in sync with current lessons, in order to ensure continuity of learning
- Teachers will be available online and by phone from 8:10am-3:30pm to provide learning support
- Teachers will post assignments in Google Classroom or SeeSaw by 10:00 am that morning. These assignments will be self-directed, independent learning activities with specific consideration given to age and individual learning needs.
- Attendance will be taken, and is confirmed through the submission of student work, and/or participation in virtual meetings or chats.

## 3. Other considerations

- Grade level teams will determine a standard protocol for assigning e-learning activities, and providing learning support
- Students who receive Special Education services may receive communications on how their accommodations and modifications can support their engagement with e-learning Day activities. Special Education staff may also choose to share a list of 2-4 activities students can engage in at home to further progress toward IEP goals, through Google Classroom or SeeSaw, or by sending emails directly to families.
- In order to ensure equal access to learning, the district will provide a district device to access learning, and/or a mobile hotspot if necessary.