



Student & Parent Handbook

Saint Paul Conservatory
FOR PERFORMING ARTISTS

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Saint Paul Conservatory

FOR PERFORMING ARTISTS

VISION-MISSION-VALUES

VISION

PREMIER ACADEMIC AND ARTISTIC EDUCATION FOR ALL HIGH SCHOOL STUDENTS

MISSION

To provide the highest caliber academic and artistic education for aspiring pre-professional artists to fully prepare them for college and conservatory.

VALUES



We are a community of artists and scholars.



We explore who we are and why we're here.



We take risks and use failure to grow.



We use our bodies, minds, hearts, and spirits to live the questions.



We hold each other up.

Student Rights

Saint Paul Conservatory for Performing Artists shall provide an environment in which students may exercise the rights and privileges of the society in which they live, with their proportional amount of responsibility. Students have the right to express ideas freely, verbally or in writing, within their school program. Responsible criticism and reasonable dissent are basic to the educational process. However, false statements, disruptive activities, threats, the use of obscenities, profanity or ridicule, and advocating violation of the law or school rules and regulations are unacceptable means of expression.

Students have the right to be safe and free from threatening situations while at school and when attending school events.

Nondiscrimination Statement

The Saint Paul Conservatory for Performing Artists, an Equal Opportunity Educational Provider and Employer, does not discriminate on the basis of race, color, creed, gender, religion, national origin, sex, marital status, parental status, military status, status with regard to public assistance, disability, sexual orientation, age, or any other basis prohibited by law in educational programs or activities that it operates or in employment decisions.

The following individual, as designated by the Board of Directors, is the school's Human Rights Officer and Title IX Coordinator responsible for responding to complaints of discrimination:

SPCPA's Human Rights Officer and Title IX Coordinator

Alissa Abelson
Dean of Students
16 W 5th Street
St. Paul, MN 55102
651-290-2225 (Phone)
abelsona@spcpa.org

SPCPA's policies regarding harassment and discrimination are available on SPCPA's website at:
<https://www.spcpa.org/about/policies/>

Saint Paul Conservatory for Performing Artists Information

Saint Paul Conservatory for Performing Artists (SPCPA) (#4112)
16 W 5th Street
St. Paul, MN 55102
651-290-2225 (Phone)*
651-290-9000 (Fax)
info@spcpa.org**
www.spcpa.org

* Staff can be reached using the directory options at this number.

Please note, directory options are only available for arts departments, not individual arts teachers.

** This email is monitored daily; emails are forwarded to the appropriate person/people

Building Hours: 7:30 AM – 4:00 PM (Lowry)
Building Hours: 7:30 AM – 4:00 PM (Wilkins)

Student Printing: Location: 220
7:30 – 8:00 AM

Authorizer: University of St. Thomas

Terry Moffatt
Charter School Authorizing Program Manager
1000 LaSalle Avenue
Minneapolis, MN 55403
651-962-4372
tmoffatt@stthomas.edu
<https://www.stthomas.edu/education/ourimpact/communitypartnerships/charterschools/>

Board of Directors

Michael Robins, President
board@spcpa.org
www.spcpa.org/about/spcpa-board/

The Saint Paul Conservatory for Performing Artists reserves the right to modify this handbook as needed.

The version number can be found on the front page of this handbook.

Updates to the handbook will be sent to students and families if changes are made.

The updated version will also be posted to the school's website.

Important Dates 2022-2023

| | |
|-----------------------|--|
| August 17, 2022 | First Day of School – New Students Only |
| August 18, 2022 | First Day of School |
| September 01, 2022 | Schedule & Track Change Request Deadline 4:00 PM |
| September 5, 2022 | No School – Labor Day |
| September 13, 2022 | Teacher Workshop – Early Dismissal (12:05 PM) |
| September 15, 2022 | Picture Day |
| October 12, 2022 | PSAT/NMSQT 9,10, and 11 – Early Dismissal (12:05 PM) |
| October 13 & 18, 2023 | Fall Conferences |
| October 20-21, 2022 | No School – Education MN |
| October 26, 2022 | Picture Retake Day (1 PM-3 PM) |
| November 2, 2022 | Picture Retake Day |
| November 8, 2022 | Teacher Workshop – Early Dismissal (12:05 PM) |
| November 23-25, 2022 | No School – Thanksgiving Break |
| December 7, 2022 | Teacher Workshop – Early Dismissal (12:05 PM) |
| December 16, 2022 | End of Semester 1 |
| December 19-30, 2022 | No School – Winter Break |
| January 2, 2023 | No School – New Year’s Day |
| January 3, 2023 | First Day of J-Term |
| January 16, 2023 | No School – Martin Luther King Day |
| January 20, 2023 | End of J-Term |
| January 19-22, 2023 | J-Term Performances |
| January 23, 2023 | No School – J-Term Recovery Day |
| January 24, 2023 | Start of Semester 2 |
| February 07, 2023 | Schedule & Track Change Request Deadline 4:00 PM |
| February 14, 2023 | Teacher Workshop – Early Dismissal (12:05 PM) |
| February 20, 2023 | No School – Presidents’ Day |
| March 28, 2023 | ACT Grade 11 |
| March 30, 2023 | Spring Conferences – Early Dismissal (12:05 PM) |
| April 3-7, 2023 | No School – Spring Break |
| April 26, 2023 | Teacher Workshop – Early Dismissal (12:05 PM) |
| May 10, 2023 | Teacher Workshop – Early Dismissal (12:05 PM) |
| May 24, 2023 | Last Day of School |
| May 25, 2023 | No School – Teacher Workshop, Finale |
| May 26, 2023 | No School – Teacher Workshop, Graduation |
| May 29, 2023 | No School – Memorial Day |
| May 30, 2023 | No School – Teacher Workshop |

The school calendar is adopted annually by the school board.

This calendar is subject to change due to unforeseen events.

A copy of the school calendar can be found on the school’s website www.spcpa.org.

SPCPA events are also listed on the website.

Contact Information

Callie Jacobs

Superintendent

Contact for Schoolwide Questions & Feedback

jacobsc@spcpa.org

Brian Goranson

Principal

Contact for Arts and Academic Programs and
General (Day-to-Day) School Operations

goransonb@spcpa.org

Monica Lonergan

Director of Special Education

Contact for Special Education Services

lonerganm@spcpa.org

Angela Lawrence

Assistant Principal & 504 Coordinator

Contact for 504 Plan Inquiries & Implementation

lawrencea@spcpa.org

Alissa Abelson

Dean of Students

Contact for Attendance & Student Behavior

abelsona@spcpa.org

Emily Johnson

Student Achievement & Post-Secondary Advisor

Contact for Academic & Post-Secondary Advising

johnsone@spcpa.org

Dustin Haug

Student Support Specialist

Contact for Grade 9 Student Support

haugd@spcpa.org

Genevieve Bennett

Student Recruitment Specialist

Contact for Prospective Students

bennettg@spcpa.org

Daily Schedule

| | |
|-----------------|-----------------------------|
| 1 st | 8:00 – 9:20 |
| 2 nd | 9:25 – 10:45 |
| 3 rd | 10:50 – 12:10 (Late Lunch) |
| 3 rd | 11:20 – 12:40 (Early Lunch) |
| 4 th | 12:45 – 2:05 |
| 5 th | 2:10 – 3:30 |

Early Dismissal Schedule (12:05 pm)

| | |
|-----------------|---------------|
| 1 st | 8:00 – 8:45 |
| 2 nd | 8:50 – 9:35 |
| 3 rd | 9:40 – 10:25 |
| 4 th | 10:30 – 11:15 |
| 5 th | 11:20 – 12:05 |

Attendance

Daily attendance is critical to academic and artistic engagement, development, and achievement. Frequent absences limit an individual student's performance and may also have an impact on the learning of others. School staff, students, families, and the community share responsibility for student attendance. To ensure student safety and accountability, families have the responsibility for notifying the school about their students' attendance.

ATTENDANCE HOTLINE

A PARENT/GUARDIAN must report all absences.

SPCPA's ATTENDANCE HOTLINE

651-222-3200

BY 9:00 a.m. the day of the absence

Absences not called into the attendance hotline within two (2) school days of the absence will be marked unexcused.

Classroom Attendance

Attendance is taken in the **first ten (10) minutes** of each period and double checked in the **last ten (10) minutes** of each period.

Reporting Absences

Please include the following information when reporting an absence:

- Name and relationship to student
- Name of student and grade level
- Day (Monday-Friday) and date(s) of absence
- Reason for absence
- Phone number for verification of absence

Arriving Late to School

Students arriving late to school must report to the nearest administrative support desk (Wilkins, Lowry main office, 255, or 3rd floor), whichever is closer, to obtain a pass to class.

Arriving Late to Class

Students who arrive tardy to class must report to the nearest administrative support desk (Wilkins, Lowry main office, 255, or 3rd floor), whichever is closer, to obtain a pass to class.

Leaving School with Permission

Students needing to leave at any time during the school day must have a parent(s)/guardian(s) call the attendance hotline or submit a signed note to the main office at Lowry or an administrative support desk (Wilkins or Lowry 255 or 3rd floor) to receive a pass to present to their teachers when leaving from classes. Students must obtain pre-approval before leaving or missing class(es). Students cannot leave classes without a pass. When leaving class, students must sign out at the main office at Lowry or Wilkins. Students failing to sign out at the main office at Lowry or at Wilkins, even if leaving by parent request will be marked unexcused, even if parent(s)/guardian(s) call after the fact.

Any student displaying one or more common symptoms of COVID-19 will be isolated and screened by administration. Administration will determine if the student needs to be picked up by a parent/guardian. Students must remain in the designated area of isolation until released to a parent/guardian.

Early Release

Under some circumstances, certain students may qualify for routine early release/dismissal from 5th period for no more than thirty (30) minutes. Students must obtain prior approval from school administration and complete all necessary documentation. Please contact SPCPA's Dean of Students to begin the paperwork required for an approved early release. Students with an Early Release contract must leave the campus.

Predicted Extended Absences (PEA)

Students will be asked to sign a contract with SPCPA outlining the responsibilities and requirements necessary to receive credit for absences of three days or more (e.g. vacation, medical). These absences must be approved by an administrator. Students must meet with the Dean of Students to complete a contract at least one (1) week prior to all predicted absences. Absences due to vacation will be counted according to the Ten-Absence Rule. Failure to complete the conditions of a contract may result in loss of credit.

Contact the Dean of Students to begin the paperwork required for predicted absences.

Predicted Extended Arts Absence (PEAA)

Students involved in an arts experience resulting in repeated absences must meet eligibility requirements before their participation and subsequent absences will be approved by an administrator. Approved students will be required to sign a contract with SPCPA outlining the responsibilities and requirements necessary to receive credit. Students must meet with the Dean of Students to complete a contract at least one (1) week prior to all predicted arts absences for verification purposes. Failure to complete the conditions of a contract may result in the loss of credit. Approval will not be granted to students earning less than 80% in coursework or deficient in credits required to maintain adequate progress toward meeting graduation requirements.

Contact the Dean of Students to begin the paperwork required for predicted arts absences.

Bus Cards

All SPCPA students may purchase a Go-To Pass that will cover all transportation associated with 24/7 service on the Metro Transit (bus and light rail). This card will be available for a fee, per semester (payable either by semester or school year), announced in early August. Replacements for lost or stolen cards will continue to be available for a \$20 fee.

Students who choose not to purchase the 24/7 bus pass may request the Youth Ride bus pass free of charge. Each Youth Ride bus pass is valid for two (2) weeks or ten (10) rides, for the 2022-2023 school year. This pass covers costs associated with transportation via Metro Transit, not including Express bus routes, to and from the school within the city boundary of St. Paul. This choice works best for students who reside in St. Paul or have additional transportation beyond the city's borders. Students will need to turn in their expired bus pass, used according to the guidelines specified above, to the main office to receive a new Youth Ride bus pass. Students using the bus pass more than allowed, based on attendance, will not receive a new bus pass until the correct expiration has been achieved. Lost or damaged bus passes will not be replaced until after the expiration date.

While SPCPA makes bus passes available to students, Metro Transit is a public service. Concerns regarding safety and security should be directed to Metro Transit at 612-349-7200.

SPCPA Technology

SPCPA recognizes the educational value of instructional technology and provides monitored access to technology and network resources. Inappropriate use of school technology is not permitted and may result in consequences as described in the Internet Acceptable Use and Safety policy and the Student Discipline policy. Outside of scheduled classroom time, technology may be available to students during Guided Study Hall.

College Admissions Requirements

Each college, university, and conservatory has established standards for admissions. Many post-secondary schools begin accepting applications early in a student's senior year. SPCPA's College Counselor will provide students and parent(s)/guardians(s) with information pertaining to the application process for college, university, and conservatory.

Credit Recovery

SPCPA does not provide summer school. Students in need of summer school will receive a Credit Recovery Option letter following each semester with further details on accepted course and credit options.

SPCPA students have the following options for credit recovery:

- Take after school credit recovery classes through St. Paul Public Schools.
- Take summer school courses through St. Paul Public Schools.
- Take summer school courses in the student's home district.
- Take an online summer school course.
- Any coursework taken outside the student's home district or from online schools must be pre-approved by administration

Things to remember about summer school credit recovery options:

- There is a limit on the number of credits which can be earned during summer school.
- SPCPA is on semesters. Some school districts are on quarters. Two (2) quarters equal one semester. Some school districts are on trimesters. A student will need to take two (2) trimesters to earn enough credit for one semester. Three (3) trimesters equals one year.
- At SPCPA, a quarter is 0.250 credits, a trimester is 0.333 credits, a semester is 0.500 credits and a year is 1.000 credits.
- Students completing academic course(s) through an organization other than SPCPA must have approval by school administration prior to enrollment.

Deliveries

If it is necessary for a parent or guardian to drop off food or other materials for a student, please bring it to the Lowry main office (16 W 5th Street), labeled for your student.

Deliveries not made by a parent guardian addressed to a student, such as food, flowers, packages, etc. will be turned away.

Educational Benefits Applications

Families are encouraged to apply for educational benefits, which can be applied to bus cards, field trips, optional assessments (ACT and AP exams) and additional school supplies. Applications for Educational Benefits are available in the main office at Lowry. You may also have an application sent to you by mail or email by contacting 651-290-2225.

Eligibility for families on the program last school year will remain in effect for the first 30 days of school. Families not submitting a new application within the first 30 days of the school year will lose eligibility.

Equal Access to School Facilities

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

Fees and Fines

Materials that are part of the basic educational program are provided with state, federal, and local funds at no charge to students. Students are expected to provide their own pencils, pens, paper, erasers, notebooks, and other personal items. Please contact the main office if your student needs assistance with school supplies. Students may be required to pay certain other fees or deposits including but not limited to:

- Cost for materials for a class project that exceeds minimum requirements and is kept by the student
- Admission fees or charges for extracurricular activities where attendance is optional and where the admission fees or charges give a student access to attend or participate in an extracurricular activity are the same for all students, regardless of whether the student is enrolled in a public or a home school.

- Items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements.
- Security deposits for the return of materials, supplies, or equipment
- Field trips considered supplementary to the school's educational program
- Admission fees or costs to attend or participate in optional extracurricular activities and programs
- Transportation of students to and from optional activities, field trips, additional programming or post-secondary instruction conducted at locations other than school
- Registration for the ACT and AP exams
- Students will be charged for textbooks, workbooks, calculators, and library books that are lost or destroyed. The student will also be charged for damages to equipment or materials.

SPCPA may waive a required fee or deposit if the student and parent(s)/guardian(s) qualify for educational benefits.

Field Trips

Field trips may be offered to supplement student learning. Field trips are optional and students who participate may be charged a fee. Accommodations may be made, if a curricular requirement, for students who qualify for educational benefits.

Food and Drink

With teacher permission, water, coffee, and juice, in a container with a closed lid or sealed top (e.g. thermos, screw top bottle, and spill resistant coffee cup) are permitted. No cans, fast food, or coffee shop disposable drink containers are allowed. Administration reserves the right to restrict beverages to water only in classrooms. Students are not allowed to bring any drinks into any studio, theater, or computer lab. Due to SPCPA's classrooms being in a building shared with others and health considerations, food may be eaten only in designated areas (e.g. lunchroom at Lowry and Wilkins and local food establishments).

Fundraising

All fundraising activities conducted by student groups and organizations and/or parent groups must be approved in advance by the Superintendent. Conducting non-approved fundraising activities on campus is a violation of school district policy. Solicitations of students or employees by students for non-school related activities are not allowed during the school day.

Gifts to Employees

Employees are not allowed to solicit, accept, or receive a gift from a student, parent, or other individual or organization of greater than nominal value (\$5 or less). Parents/guardians and students are encouraged to write letters and notes of appreciation or to give small tokens of gratitude, if they so desire.

Graduation Ceremony

Student participation in the graduation ceremony is a privilege, not a right. Students who have completed the requirements for graduation may participate in graduation exercises unless participation is denied for inappropriate conduct or credit deficiency in excess of 1.0 credit. Graduation exercises are under the control and direction of the Superintendent.

Graduation Requirements

Students must meet all graduation requirements as established by the state and SPCPA's Board of Directors, to graduate from Saint Paul Conservatory for Performing Artists. Minnesota students are required to complete three kinds of requirements by the time they graduate. Students must:

Satisfactorily complete the state course credit requirements under:

Minnesota Statute §120B.024.

Satisfactorily complete all state academic standards or local academic standards where state standards do not apply. Successfully complete at least 13.5 academic credits, 20 arts credits, and comply with the following high school level course requirements for their class, outlined in Appendix B.

All students can monitor progress toward post-secondary readiness using the results from our PSAT 9, PSAT/NMSQT in grades 10 and 11, and ACT. All students are encouraged to participate in these assessments.

Lost and Found

Articles found in and around the school are turned into the main offices at Lowry and Wilkins. Identification is required for the return of property. Found textbooks will be returned to the administrative support desk on the 3rd floor at Lowry. Unclaimed items in the lost and found will be donated to charity on a regular basis.

Open Lunch

Students are encouraged to bring a lunch to school. Though it is tempting to visit the various food establishments available in the downtown area, thirty minutes does not allow much time for travel to and from, ordering, paying, and eating food. Students with significant tardies to class risk losing credit. Please see the procedures for the Ten Absence Rule.

Students leaving campus for lunch are expected to conduct themselves according to all school policies and guidelines while off campus during school hours.

Students who want to eat on campus may eat in the designated areas at Lowry and Wilkins.

Payment Methods

For those items that come up during the school year that require payment (bus cards, field trips, testing fees, Finale, etc.) SPCPA accepts cash (exact amount) and credit card. (Visa, Mastercard, and Discover) The specifics on acceptable payments will be stated on the form for each item or event.

Personal Property

The school is not responsible for students' personal property. It is highly recommended that students do not bring valuable items to school. School personnel are unable to track down missing items.

Picture Day

Picture Day is during the school day. Students will have their photo taken during their arts classes with more details and instructions after the school year begins.

Promotion and Retention

All students are expected to achieve an acceptable level of proficiency. Students who achieve at an acceptable level will be promoted to the next grade level at the completion of the school year. Retention of a student may be considered when staff determines that it is in the best interest of the student. The Superintendent's decision is final.

Schedule or Track Changes

Requests for schedule or track changes will be permitted within the first two weeks of a semester. Dropping a course after the deadline will be granted only under special circumstances and will result in the student receiving an F for the course, which will be calculated into the student's GPA. See Important Dates page for this year's schedule and track change deadlines.

School Closing Procedures

School may be canceled when the Superintendent believes the safety of students and employees is threatened by severe weather or other circumstances. A decision will be made about closing school or school buildings as early in the day as possible.

School may be delayed or closed due to inclement weather. Notification will begin at approximately 5:30 AM on Channels 4, 5, 9, 11, WCCO radio (830 AM), and on the school's website (www.spcpa.org) and phone system

School Equipment and Materials

Each student has the right to use school equipment and materials in an appropriate manner. The school will charge an appropriate replacement fee for textbooks, supplies, etc., that are lost, damaged, or destroyed by students.

Student Identification

Students must carry their school provided photo identification card. All textbooks and materials are checked out using the barcode on the student identification card. No materials can be provided without access to the student identification card. Lost cards must be replaced at a cost of \$5.00 each.

Video Surveillance

SPCPA buildings and grounds are equipped with video cameras. Video surveillance may occur in any school building or on any school property.

Recording—Audio/Video—of Class

Students can record or photograph any portion of a class, for instructional purposes only and with permission and under the supervision of a teacher. Photos and/or videos may not be posted electronically. No other audio or video recording by students is permitted

Teachers may photograph, or video record a class for instructional purposes only. Photos and/or videos may not be posted electronically.

Visitors in SPCPA Buildings

To ensure the safety of those in the school and to avoid disruption to the learning environment, all visitors must report directly to the main office of the Lowry Building (16 W 5th Street) to sign in upon entering the building, except for events open to the public. All visitors will be required to sign in at the attendance desk of each building and to wear a visitor's badge while in the building during the school day. Visitors must have the approval of the Principal before visiting a classroom during instructional time. Visitor(s) may be denied permission to visit a school or school property, or such permission may be revoked, if the visitor does not comply with SPCPA procedures or if the visit is not in the best interests of SPCPA students, employees, or the school, as determined by an administrator. Students must have permission from an administrator before bringing visitors to school.

In accordance with school policies, students enrolled in post-secondary enrollment options (PSEO) courses can remain at school locations during regular school hours. During that time, they will be provided reasonable access to a computer and other technology resources necessary to complete PSEO coursework, in accordance with school policies

SPCPA reserves the right to restrict and/or not permit nonessential visitors, volunteers, and activities involving external people or organizations. Any request for visitors, volunteers, and/or activities involving external people or organizations must be approved in writing by a supervising administrator.

Communication with Families

Communication Protocol

The school uses the following protocol to promote direct communication so that problems and concerns can be addressed efficiently. We are asking students and parent(s)/guardian(s) to follow this protocol.

STEP 1 – TEACHER

Students and parent(s)/guardians(s) are encouraged to express course concerns directly to the teacher. Parent(s)/guardian(s) can contact teachers via telephone or email. Teachers will make every effort to get back to you as quickly as possible. Full time teachers will respond within two (2) business days. Part-time arts teachers may take 3 – 5 school days.

STEP 2 – STUDENT SUPPORT STAFF

If the concern is not resolved, then the student or parent(s)/guardian(s) should contact one of the following: (1) Dean of Students (2) Student Achievement & Post-Secondary Advisor or (3) Student Support Specialist (Grade 9).

Alissa Abelson

Dean of Students

Office & Extension - 106

abelsona@spcpa.org

Emily Johnson

Student Achievement & Post-Secondary Advisor

Office & Extension - 105

johnsone@spcpa.org

Dustin Haug

Student Support Specialist (Grade 9)

Classroom & Extension - 250

haugd@spcpa.org

STEP 3 – PRINCIPAL

Most concerns will have been resolved by this point. However, if you still need to speak with someone about your situation, please contact Brian Goranson (goransonb@spcpa.org) regarding the academic and artistic programs and general (day-to-day) school operations.

Brian Goranson

Principal

Office & Extension - 276

goransonb@spcpa.org

STEP 4 – SUPERINTENDENT

If your question or concern remains unresolved after steps 1-3, please contact the Superintendent.

Callie Jacobs

Superintendent

Office & Extension - 232

jacobsc@spcpa.org

Other Contacts

For all matters regarding students with disabilities please contact the Director of Special Education for Special Education Services or the 504 Coordinator for 504 Plan inquiries and implementation.

Monica Lonergan

Director of Special Education

Office & Extension - 236

lonerganm@spcpa.org

Angela Lawrence

Assistant Principal & 504 Coordinator

Office & Extension - 276

lawrencea@spcpa.org

For all matters regarding post-secondary Advising, please contact the Student Achievement & Post-Secondary Advisor.

Emily Johnson

Student Achievement & Post-Secondary Advisor

Office & Extension - 105

johnsone@spcpa.org

COMPLAINTS

Please see SPCPA Policies 103 (Complaints), 413 (Harassment and Violence), 514 (Bullying Prohibition), and 522 (Student Sex Nondiscrimination) for information on making specific types of complaints. (*for policies see spcpa.org*)

Common Notifications

SPCPA requests all students and parent(s)/guardian(s) set up their Infinite Campus accounts to view their student's attendance, grades, class schedule, unofficial transcript, pay for field trips, Finale, etc.

If you are having trouble with your Infinite Campus account, please contact info@spcpa.org and someone will assist you.

Data Privacy

Student records are classified as public, private, or confidential. State and federal laws protect student records from unauthorized inspection or use and provide parent(s)/guardian(s) and the student who is 18 or older or who is enrolled in an institution of postsecondary education access to the student's record.

Due to state and federal laws around data privacy, it is not possible for school personnel to share information about a student with anyone other than the parent, guardian, or those who have legal rights to access information, except as required by law. This includes information about the consequences for specific students, even in situations where another student was also involved. Please see SPCPA Policy 515 (spcpa.org) (Protection and Privacy of Pupil Records) for more information.

Eighteen-Year-Old Students

The age of majority for most purposes in Minnesota is 18 years of age. All students, regardless of age, are governed by the rules for students provided in SPCPA policy. Except as required by law, SPCPA students may not act as their own guardian even if they are 18 years old.

Family Messages to Students

Please do not contact your child during any class period. Text messages and phone calls during class are distracting and impact the learning experience of all students. Emergency messages may be delivered to students by calling the main office (651-290-2225). Students will not be called out of class to receive phone messages except in the event of an emergency. Office telephones are not for students' personal use.

Infinite Campus

Each teacher uses Infinite Campus to post information for each class. Information relating to the class is posted on a regular basis. This will include, but is not limited to syllabus, calendar, homework assignments, important announcements, and study guides. These can be accessed through the student portal.

Teacher Conferences

Conferences are usually held approximately mid-semester. Dates and times are also listed on the school's website. Students are welcome and encouraged to attend parent(s)/guardian(s) and teacher conferences.

Parent(s)/Guardian(s) Right to Know

Subject to applicable law, SPCPA will provide, if requested, information regarding the professional qualifications, as requested, of a child's classroom teachers, including, at a minimum, the following:

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

In addition, SPCPA will provide parent(s)/guardian(s) with information as to the level of achievement of their child in each of the state academic assessments. SPCPA also will provide notice to parent(s)/guardian(s) if, for four or more consecutive weeks, their child has been assigned to or taught by a teacher who is not qualified.

SPCPA has made the following promises to families:

1. Gradebooks generally will be updated, at minimum, every two weeks or five class periods.
2. All resources required for students to make academic or artistic progress generally will be available on the teacher webpages or in Infinite Campus.
3. Families generally will be notified when students fall below a grade of C-.

If at any time SPCPA is not meeting these agreements, please let us know by email at info@spcpa.org.

Student Publications (School Sponsored)

SPCPA works to preserve students' free speech rights while, at the same time, maintaining its obligation to provide a learning environment that is free of disruption. All school publications are under the supervision of Administration. Expression in an official school publication or school-sponsored activity (e.g. performances) is subject to editorial control by SPCPA administration over the style and content when SPCPA's actions are reasonably related to legitimate pedagogical concerns.

Faculty advisors shall supervise student writers to ensure compliance with the law and school policies. Students producing official school publications and participating in school activities will be under the supervision of a faculty advisor and school Administration. "Official school publications" means school newspapers, yearbooks, official SPCPA websites, social media pages, or other electronic messages, playbills and advertisements for school-sponsored activities, and material produced in classes as part of the curriculum.

Expression in an official school publication or school-sponsored activity is prohibited when the material:

- is obscene to minors;
- is defamatory;
- advertises or promotes any product or service not permitted for minors by law;
- encourages students to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
- expresses or advocates sexual, racial, or religious harassment or violence or prejudice;
- is distributed or displayed in violation of time, place, and manner regulations; and/or
- is otherwise inconsistent with SPCPA's legitimate pedagogical concerns.

Student Surveys

Occasionally, SPCPA utilizes surveys to obtain student opinions and information about students. This is especially true for senior students that must complete a survey prior to graduation.

Transcripts

A student's grade point average (GPA), class rank, or transcript is protected private data under state and federal laws, except as otherwise provided by law, disclosure of a student's GPA, class rank, or transcript requires written permission of the parent, guardian, or eligible student. SPCPA transcripts include the grade point average. If you do not wish to include GPA, please indicate this in your request for a transcript. SPCPA transcripts do not include the class rank. If you need class rank included, please indicate this in your request for a transcript.

Student Services

Student Assistance Team

The Student Assistance Team is the committee that oversees the intervention process for students who are unsuccessful either academically or behaviorally. The goal is to help struggling students by providing strategies and accommodations recommended and implemented by their teachers. When possible, this process should be completed prior to referral for a 504 or Special Education evaluation. Members of the team include administrators, student support staff, and teacher representatives.

Section 504 Plan

Section 504 of the Rehabilitation Act of 1973 is a federal anti-discrimination law that protects the rights of individuals with disabilities in programs that receive federal financial assistance. As a public school, SPCPA is obligated to comply with the requirement that a 'free and appropriate public education' be provided to all students regardless of the nature or severity of the student's disability. Although the eligibility standards are not as stringent for 504 plans as under the IDEA, the process of qualifying under Section 504 is like IDEA's requirements. Students who have a physical or mental impairment that substantially limits a major life activity, or a major bodily function may qualify for supplementary services or accommodations at school under Section 504. Students and parent(s)/guardian(s) with questions about Section 504 or accommodating a student's physical or mental health condition should contact SPCPA's 504 Coordinator, Angela Lawrence.

Special Education Services

The Individuals with Disabilities Act (IDEA) guarantees special education and related services to eligible children with disabilities. Special education means "specially designed instruction at no cost to the family, to meet the unique needs of the child with a disability...." Related services are provided if students require these services to benefit from specially designed instruction. A comprehensive evaluation must be conducted to determine if students are eligible for, and in need of, special education and related services. SPCPA seeks out, evaluates, and appropriately serves students with disabilities. Details of SPCPA's special education services can be found on the school's website.

Students and parent(s)/guardian(s) with questions about special education eligibility or special education evaluations should contact SPCPA's Director of Special Education, Monica Lonergan.

Academics

Academic Integrity

Fundamental to the academic work is an expectation that students will make choices that reflect integrity and responsible behavior. Students may feel overwhelmed by the amount of work they need to accomplish. They may be short of time, working on several assignments due the same day, or preparing for exams or a performance. The pressure can be intense. No matter what level of stress students may find themselves under, they are expected to approach their work with honesty and integrity.

Honesty is the foundation of good academic work. Whether working on a problem set, lab report, project or paper, avoid engaging in plagiarism, unauthorized collaboration, cheating, or facilitating academic dishonesty.

It is the responsibility of all staff members at SPCPA to deal immediately with students who they believe are engaging in plagiarism and/or cheating on assessments and/or other work. Consequences for these actions are determined in collaboration with the student's teacher, the Dean of Students, and an administrator.

The following actions are considered academic dishonesty:

- Using the work of another person as your own (including that which is accessed over the Internet).
- Providing your work to another person to use as their own.
- Using another person's ideas, expression or words without giving the original author credit.
- Having in your possession a copy of a test or quiz, not given to you by the teacher of the course.
- Using unauthorized materials or possession of nuisance devices or objects which cause distractions and may facilitate cheating during an assessment.
- Failing to follow assessment procedures or instructions announced by a teacher.

Consequences for cheating or plagiarism may include, but are not limited to:

- Receiving No Credit on an assessment
- Re-doing the work
- Doing additional assignments
- Suspension and/or detention
- Re-taking the course

See the Behavior and Response Matrix and Policy 506 (Student Discipline) (spcpa.org) for additional information.

Academic Recognition

SPCPA Board Scholar

This award recognizes 12th grade students at the end of their senior year. Board Scholar is the highest academic honor awarded by SPCPA.

Qualifications:

- Grade Point Average: Students earn a cumulative grade point average of 3.85 or higher.
- ACT or SAT Score: 90th percentile (based on national norms) or higher.

President's Award for Educational Excellence

This award recognizes 12th grade students at the end of their senior year.

Qualifications:

- Grade Point Average: Students earn a cumulative grade point average of 3.5 or higher on a 4.0 scale (unweighted).
- ACT or SAT Score: 90th percentile (based on national norms) or higher.

President's Award for Educational Achievement

This award recognizes 12th grade students at the end of their senior year that show outstanding educational growth, improvement, commitment, or intellectual development in their academic subjects but do not meet the criteria for the Educational Excellence Award. Its purpose is to encourage and reward students who give their best effort, often in the face of special obstacles.

National Honor Society

This award recognizes 10th and 11th grade students at the end of the year. There are four components to this award: Scholarship, Leadership, Service, and Character. Students work on service projects throughout the next school year.

Qualifications:

- Grade Point Average: Grade 10 students need a 3.66 cumulative grade point average or higher, grade 11 students need a 3.33 cumulative grade point average or higher to be considered as a candidate for NHS.
- Service Hours: Students need a minimum of 30 hours of unpaid service over the last calendar year to be considered as a candidate.
- Faculty Review of Application: A character survey is given to all teachers for each candidate. Candidate essays are reviewed by a panel of academic faculty members for final selection. For additional information about NHS, including eligibility and application deadlines, please contact Natalie Reinhart (reinhardt@spcpa.org) the faculty adviser for NHS.

Curriculum

In most courses, there are two choices: on-level and either advanced or Advanced Placement® (AP). SPCPA has aligned coursework to the MN Academic Standards in the subject area. All Advanced Placement® (AP) courses are aligned to the College Board requirements. World Language courses are also aligned to the national standards. Unit curriculum documents assure the alignment of courses to standards is used by all teachers of the course.

Advanced coursework moves at a faster pace, may include more content, and/or have more rigorous work expectations than the equivalent on-level course. Students are encouraged to try at least one advanced course before graduation.

Extra-Curricular Activities

SPCPA has opportunities for students wishing to use academic skills in practical settings while still in high school. SPCPA publishes an annual yearbook. Students may participate as editors, staff, and photographers. Students honored by membership in the National Honor Society may participate in service projects through the Society. These students also plan and implement the annual induction ceremony. Advisors identify students deserving recognition on their transcript on an annual basis for these activities.

Grades

Students who complete and turn in an assignment, on time, in any category, and meet the criteria cannot earn less than 50%. Students with a predicted extended absence or predicted extended arts absence follow deadlines outlined in the extended absence contract.

Grade Scale

| | | | | | | |
|----|----|---|------|---|---|------|
| A | 93 | - | 100 | % | = | 4.00 |
| A- | 90 | - | 92.9 | % | = | 3.66 |
| B+ | 87 | - | 89.9 | % | = | 3.33 |
| B | 83 | - | 86.9 | % | = | 3.00 |
| B- | 80 | - | 82.9 | % | = | 2.66 |
| C+ | 77 | - | 79.9 | % | = | 2.33 |
| C | 73 | - | 76.9 | % | = | 2.00 |
| C- | 70 | - | 72.9 | % | = | 1.66 |
| D+ | 67 | - | 69.9 | % | = | 1.33 |
| D | 63 | - | 66.9 | % | = | 1.00 |
| D- | 60 | - | 62.9 | % | = | 0.66 |
| F | 0 | - | 59.9 | % | = | 0 |

Grading Categories

At SPCPA we value the process and practice of learning, in preparation for the production. You will see this reflected through the following three categories in academic teachers' gradebooks:

Process of Learning

Approximately 20% of Total Points in Course

- The Process of Learning category is designed to prepare students for approaching higher-stakes tasks in the Rehearsal and Production categories.
- Students will be asked to show skills and knowledge through (but not limited to): class work and homework demonstrating the practice of content area skills such as writing, discussion, problem solving, math calculations, lab work, etc.

Rehearsal

Approximately 30% of Total Points in Course

- The Rehearsal category is designed to allow students to rehearse or demonstrate proficiency on less extensive high-stakes tasks that align or lead to the Production category.
- Students will be asked to demonstrate skills and knowledge through (but not limited to): assignments, activities, and quizzes.

Production

Approximately 50% of the total points in Course

- The production category provides the opportunity for students to share final or summative evidence of their learning over each unit.
- Students will be asked to demonstrate summative learning through (but not limited to): labs, essays, papers, projects, reflections, presentations, and unit exams.

If a student misses a Production event due to an excused absence the instructor must be contacted so make-up can be arranged.

Late Work

Grades may be impacted when work is turned in late. Please see course syllabi for specific information pertaining to late work.

Grade Reporting

Students' grades will be reported at the midterm and end of each semester. Report cards will be mailed to parent(s)/guardians(s) for review after each semester. Online grade reports may be reviewed through the student and family portals.

Percentages are not reported as part of the student's permanent records. SPCPA only uses letter grades on transcripts. If a student withdraws, SPCPA will only provide letter grades to the student's new school, except as required by law.

Guided Study Hall

Guided Study Hall is a supervised period. Students complete academic work and study for classes. Guided study hall teachers will facilitate a weekly time for individual check-in on current academic progress, and to discuss academic skills, time management, organization, and other topics, as needed to promote student academic success. Students may have access to Chromebooks during this period.

Post-Secondary Preparation

SPCPA has guidance services for post-secondary options. Emily Johnson, Student Achievement & Post-Secondary Advisor, can be reached at johnsone@spcpa.org or found in room 105 for information on options after high school. Ms. Johnson provides support and guidance for all students as they move towards post-secondary options. She facilitates college visits, assists students with college and conservatory applications, provides guidance for financial aid and scholarships, and compiles alumni contacts.

Senior Study

In preparation for post-secondary readiness, grade 12 students will be assigned Senior Study, allowing them to work off campus. Grades and attendance will be evaluated regularly to determine continued eligibility.

Students must meet the following criteria to participate in Senior Study:

- Student must be passing all courses required for graduation with a grade of at least a D- or 60%.
- Student must be on track for graduation including not being in jeopardy due to attendance.

Students and parent(s)/guardian(s) will be notified via email mid-year if a student no longer meets the eligibility criteria. Eligibility for Senior Study can be revoked at any time by Administration for failing to meet eligibility criteria or for violation of any SPCPA policy, rule, or expectation. Students may request a Guided Study Hall, if needed, instead of Senior Study.

Standardized Testing

SPCPA will test students annually on state-designated dates. The Minnesota Comprehensive Assessment (MCA) in Reading is given in Grade 10. The results of MCA Reading are used by SPCPA to monitor curriculum in English and social studies. The MCA in Math is given in Grade 11. These results are used by the math department to monitor curriculum. Finally, the MCA in Science is given when the student takes Biology. The science department uses the results to monitor the content of the biology course and the processes in all their coursework.

All students enrolled in advanced placement coursework are encouraged to take the AP exam for the course. It is not required to send the exam results to your college until you determine the score is high enough to benefit your college program.

SPCPA also monitors student readiness for post-secondary education. Families can use the results of these exams to do the same: PSAT 9, PSAT 10, PSAT/NMSQT, and ACT exams.

Additional information pertaining to SPCPA's administration of standardized tests can be found on the school website.

Health Information

Student health information is collected, reviewed by the school nurse, and kept on file. Student health information is considered private data, is maintained in accordance with applicable law, and only accessible by appropriate school personnel.

Health Services

Students who become sick at school should let staff know so they can be escorted to an administrative support desk to call their parents. Staff will speak with the student's parent or guardian to mark arrangements for the student to leave school. **Students may not leave campus without signing out.** In the event of an emergency, students should contact a staff member immediately.

A parent/guardian must notify the school if the student is unable to attend school because of illness.

Please contact the school via the following:

ATTENDANCE HOTLINE
651-222-3200

First Aid

Each building is equipped to handle minor injuries requiring first aid. If a student experience a more serious medical emergency at school, 911 will be called and/or a parent/guardian will be contacted. Please note, SPCPA does not assume any financial responsibility resulting from calling 911 when a student is experiencing a medical emergency.

Picking Up an Ill Student

Students will be isolated and need to be picked up from school if they are running a high fever, vomit, or show other signs of serious illness, including COVID-19.

It is expected that if a student is exhibiting these signs that they will be picked up by a parent/guardian as soon as possible.

Communicable Diseases

To protect other students from contagious illness, students infected with certain diseases are not allowed to come to school while contagious. If a parent(s)/guardians(s) suspects that the student has a communicable or contagious disease, the parent(s)/guardians(s) must contact the school, so that other students who might have been exposed to the disease can be alerted.

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

Immunizations

SPCPA complies with all state and local regulations pertaining to student immunizations. All students must provide proof of immunization or submit appropriate documentation exempting them from such immunizations to enroll or remain enrolled. Students may be exempted from the immunization requirement when the immunization of the student is contraindicated for medical reasons; laboratory confirmation of adequate immunity exists; or due to the conscientiously held beliefs of the parent(s)/guardian(s) or student. SPCPA will maintain a file containing the immunization records for each student in attendance at the school for at least five years after the student reaches the age of 18. For a copy of the immunization schedule or to obtain an exemption form or information, contact info@spcpa.org.

Medications at School

SPCPA acknowledges that some students may require prescribed drugs or over-the-counter non-prescription pain relievers during the school day. The administration of prescription medication, except any form of medical cannabis, use of nonprescription pain relievers at school requires a completed and signed request from the student's parent(s)/guardians(s) and physician. An "Authorization to Administer Medications" form must be completed each school year and/or when a change in the prescription or requirements for administration occurs.

Prescription medications must be brought to school in the original container labeled for the student by a pharmacist and must be administered in a manner consistent with the instructions on the label.

Prescription medications are not to be carried by the student; medications must be surrendered to the appropriate school personnel.

Exceptions that may be allowed include:

- Prescription asthma medications administered with an inhaler or treatment of anaphylaxis via epinephrine auto-injectors are not subject to this policy in accordance with school policy and state law pursuant to SPCPA procedures.
- Medications administered as noted in a written agreement between the school and parent(s)/guardian(s) or as specified in an Individualized Education Program (IEP), a plan developed under Section 504 of the Rehabilitation Act (§504 Plan), or an Individual Health Plan (IHP).
- Nonprescription pain relievers should be in accordance with a filed Authorization to Administer Medications, whether self-administered or administered by the school. Possession, distribution, and use of nonprescription medication outside of this policy is discouraged and medications may be confiscated, with consequences in accordance with school policies

Safety and Security

The safety of students on campus and at school-related activities is a top priority at SPCPA. While safety procedures are in place, student and parent/guardian cooperation is essential to ensuring school safety. School officials follow the safety and security guidelines listed below to enhance the safety of students, staff, and visitors.

All visitors must sign in at the attendance desk and wear a visitor badge while visiting SPCPA buildings. Staff members may question people in school spaces whom they don't recognize and/or who are not wearing a nametag or badge.

All school employees wear photo identification badges provided by the school.

Students are expected to immediately report to a teacher or administrator any suspicious behavior or situation that makes them uncomfortable.

All students are always required to carry their photo identification badge provided by the school when in school or on school property. This identification is particularly helpful in emergency situations.

Students are required to comply and fully cooperate immediately with any and all instructions given by school staff during all drills, evacuations and lockdowns. Any student who does not follow directives at the time will be considered insubordinate and will be disciplined appropriately.

Accidents

All student injuries that occur at school, school-sponsored activities, or on school transportation must be reported to a staff member. Parent(s)/guardian(s) of an injured student will be notified as soon as possible. If the student requires immediate medical attention, the Administration will call 911 or seek emergency medical treatment and then contact the parent(s)/guardian(s).

Emergency Procedures

Emergency procedures address a range of potential situations at SPCPA and include general procedures for securing buildings, classroom evacuation, campus evacuation, sheltering, and communication procedures. SPCPA conducts state mandated lockdown, fire, and tornado drills. Building plans include classroom and building evacuation procedures.

Emergency Contact Information

Emergency information is kept on file and entered into the school's Student Information System (Infinite Campus). Parent(s)/guardian(s) must update this information annually in case of an emergency.

Protective Drills

(Fire, Evacuation, Tornado, Lockdown)

As mandated by the State of Minnesota, SPCPA will conduct a minimum of one (1) tornado drill, five (5) fire drills and five (5) lockdown drills per year. For evacuation drills, there is a notice telling the manner of exit from each room. Follow these directions unless an emergency causes other directions to be given. Each group is to stay together with the teacher in charge. Once evacuated from the building, students must check-in with the teacher for attendance.

Everyone MUST evacuate the building, if directed to do so.

Skateboards, Rollerblades, Bikes, etc.

Skateboards, rollerblades, bikes, Heely's or other devices of movement are prohibited from use indoors at the SPCPA campus. SPCPA administration has the right to prohibit any item that may interfere in the safety and movement of students, staff, or the general public. Additionally, SPCPA does not store these items for students during the school day.

Searches

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

Arts Lockers and Personal Possessions within an Arts Locker

According to state law, school lockers are the property of SPCPA. At no time does SPCPA relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.

Personal Possessions and a Student's Person

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

As soon as practicable after the search of a student's personal possessions, if the student is not present, school officials will provide notice of the search to the student, unless disclosure would impede an ongoing investigation by police or school officials.

Behavior Expectations

Students are expected to behave in accordance with federal, state, and local laws and rules; and SPCPA policies, rules, and regulations, and in a way that respects the rights and safety of others. Staff will take corrective action to discipline a student and/or to modify a student's behavior when a student's behavior does not fall within these parameters.

Administrators and school staff may involve law enforcement authorities as necessary.

Law enforcement officers shall be permitted to carry out necessary law enforcement functions in the school, including the removal of a student from school grounds in appropriate circumstances.

Data Privacy of Behavior Records

Due to state and federal laws around data privacy, it is not possible for school personnel to share information about a student with anyone other than the parent, guardian, or those who have legal rights to access information, except as required by law. This includes information about the consequences for specific students, even in situations where another student was also involved.

Student records are classified as public, private, or confidential. State and federal laws protect student records from unauthorized inspection or use and provide parent(s)/guardian(s) and eligible students with certain rights. For the purposes of student records, an "eligible" student is one who is 18 or older or who is enrolled in an institution of post-secondary education. Please see SPCPA Policy 515 (Protection and Privacy of Pupil Records) (spcpa.org) for more information.

Disciplinary Action

The school will take disciplinary action in addressing student misbehavior. The consequences for misbehavior are designed to be fair, firm, and consistent for all students in the school.

Action SPCPA may take following violations may include, but are not limited to:

Community Service: Restitution to community for violation of discipline policy.

Detention: Requirement for a student to remain in school during lunch or attend school outside normal school hours.

Dismissal: The denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class, except as provided by law.

Expulsion: A Board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

Notification of Parent/Guardian: Conversation and/or written contact between a school employee and a student's parent(s)/guardian(s).

Notification of Police: Contact by the school administration with the local police department to report an illegal misbehavior engaged in by a student.

Parent/Guardian Conference: Scheduled meeting between a school employee and a student's parent(s)/guardian(s).

Removal from Class: Action taken by the school administration to prohibit a student from attending one or more class periods for up to five days.

Restitution: Compensation or compensatory service required of a student who has damaged, taken, or destroyed school or personal property.

Student Conference: Scheduled meeting between a school employee and a student.

Suspension: Action taken by the school administration to prohibit a student from attending school (Out of School Suspension) or classes (In School Suspension) for a period of no more than ten (10) school days.

SPCPA reserves the right to act should a student behave in a way that is not included in this handbook but is detrimental to the learning environment, safety, or welfare of students and staff. Police referrals are initiated at the discretion of an administrator.

A school employee may use reasonable force in exercising their authority when it is necessary under the circumstances to restrain a student or to prevent bodily harm or death to another.

See Policy 506 (spcpa.org) for additional information regarding SPCPA's discipline policy.

Lunch Detention

The Dean of Students will schedule students for lunch detention. Students must follow the expectations listed below when attending lunch detention. The Dean of Students will respond to students not following expectations.

- All phones and electronic devices must be put away out of sight during detention.
- Students more than 5 minutes late will not be counted as present.
- Students have 5 school days to make up detention. Students that do not attend their assigned detention(s) may receive additional consequences.
- Students must bring a lunch to school, as they WILL NOT have time to get lunch before serving detention.
- The Dean of Students will facilitate discussion during detentions that invite student participation. Students not participating in the facilitated discussion must be silent.
- Students not on campus due to PSEO or other approved absences are required to contact the Dean of Students to make alternate arrangements to serve their detention(s).

Student Removal from Class or Dismissal from School

Conduct considered grounds for a student's dismissal or removal from class includes, but is not limited to:

Assault or violent behavior, a student will be removed immediately from class for a period deemed appropriate by the superintendent or designee, in consultation with the teacher.

Significantly disrupting other students' right to an education; disrupting the ability of school personnel to perform their duties; disrupting school-sponsored activities; engaging in conduct that endangers other pupils or surrounding persons (including school district employees or property of the school).

Significantly interfering with a teacher's ability to teach or communicate effectively with students in a class or interfering with other students' abilities to learn.

Administration will make reasonable attempts to schedule a conference with parent(s)/guardian(s) for all students removed from class more than ten (10) days in one school year and prior to removing the pupil from school. The purpose of the meeting will be to determine the student's need for assessment or other services.

Suspension

A student who has been suspended may not participate in or attend any school activities or functions on the day(s) of suspension or on days, such as weekends, when school is not in session during the suspension. If the student is suspended one (1) day only, make-up work, including exams, are due the following day. Students suspended more than one day will receive an equal number of days to make up missed work.

Reinstatement Meeting after Suspension

Students and parent(s)/guardian(s) are required to attend a reinstatement meeting upon their return to school following a suspension. Meetings will be arranged by a school administrator after the suspension ends unless stated differently in the suspension notice.

Ten-Absence Rule

Students that incur **5 days of unexcused absences** in a school year may be placed on an attendance contract and initiate the truancy process dependent on the student's county of residence.

Students that incur **7 limited excused and/or unexcused absences** for the same class(es) in semester may be placed on an attendance contract.

Students that incur 10 limited excused absences and/or unexcused absences (from a credit course) may receive reduced or NO credit for the course. Students receiving no credit will be dropped from the class (with an "F" on their transcript).

Parent(s)/guardian(s) will receive notification prior to and after the tenth (10th) absence in a course. Students may appeal their Ten-Absences by submitting an Attendance Appeal form to the Dean of Students within five (5) school days of being notified of the tenth (10th) absence. Students will remain in class until the appeals process is completed.

Absences NOT COUNTED in the Ten-Absence Rule include, but are not limited to:

Excused Absences

- Documented medical appointed (dentist, psychiatrist, or another physician)
- chronic illness (requires doctor verification) death of an immediate family member
- court appearance
- regularly scheduled religious instruction, not to exceed 3 hours in any week
- religious holiday or observance
- physical emergency conditions, such as fire or flood
- participant in school-sponsored activity
- suspension
- active military duty

Absences COUNTED in the Ten-Absence Rule include, but are not limited to:

Limited Excused Absences

- illness without doctor's note
- serious illness in the student's immediate family without medical documentation
- medical/dental appointments that can't be made outside of the class time (may require doctor verification)
- arts related absence without documentation
- pre-arranged personal or family vacations (PEA contract required for more than three (3) days)
- family emergencies
- college visit (may require verification)
- (3) three Tardy Limited Excused (TLE)

Unexcused

- working/studying from home
- employment, except under a school-sponsored work release program
- personal or family vacation that is not reported by a parent/guardian 48 hours after the absence
- transportation miscue: including missed bus, traffic congestion, and vehicle malfunction
- oversleeping
- (3) three Tardy Unexcused (TUE)
- Tardy Equals Absent (TEA)
- Leaving / not attending class without permission

Misuse of Restroom or Pass

Leaving class and not proceeding in a direct fashion to and from the restroom designated to the classroom or other location specified in the pass may be counted as a tardy or absence

County Intervention for Unexcused Absences

County intervention for unexcused absences is based on the truancy policy of the county where the student resides. SPCPA is required to report unexcused absences to the appropriate county authorities. Please visit your county's website for detailed information.

Leaving School without Permission

Students must obtain pre-approval before leaving or missing class(es). Students cannot leave classes without a pass. When leaving class, students must sign out at the main office at Lowry or Wilkins. Students failing to sign out at the main office at Lowry or at Wilkins, even if leaving by parent request will be marked unexcused, even if parent(s)/guardian(s) call after the fact.

Open Lunch

Since lunch is only 30 minutes, careful planning is required. Failure to arrive on time to your class after the lunch period will result in a tardy and will count towards the Ten Absence Rule. Students misbehaving during the lunch period or are more than 5 minutes late for class will be referred to the Dean of Students.

Bullying Prohibition

Definition: “Bullying” means severe or pervasive physical or verbal acts or conduct that is intimidating, threatening, abusive, or harming, is objectively offensive and:

- an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 - materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
 - has a substantially detrimental effect on the student’s physical and/or mental health.
- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on Saint Paul Conservatory for Performing Artists’ property, at school functions or activities, on school transportation, or in locations designated to wait for school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student’s act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the Saint Paul Conservatory for Performing Artists or the safety or welfare of the student or other students, or materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off Saint Paul Conservatory for Performing Artists’ property and/or with or without the use of Saint Paul Conservatory for Performing Artists’ resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the Saint Paul Conservatory for Performing Artists shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.

- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the Saint Paul Conservatory for Performing Artists’ policies and procedures, including the Saint Paul Conservatory for Performing Artists’ Discipline Policy. The Saint Paul Conservatory for Performing Artists may consider the following factors:
1. The developmental ages and maturity levels of the parties involved;
 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 3. Past incidences or past or continuing patterns of behavior;
 4. The relationship between the parties involved; and
 5. The context in which the alleged incidents occurred.
- G. The Saint Paul Conservatory for Performing Artists will act to investigate all complaints of bullying reported to the school and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the Saint Paul Conservatory for Performing Artists who is found to have violated this policy.

See Policy 514 (spcpa.org) for additional information regarding SPCPA’s bullying prohibition policy.

Bus/Public Transportation

Students must follow the Metro Transit Code of Conduct when traveling on Metro Transit buses and trains. The Metro Transit Code of Conduct is available online at <https://www.spcpa.org/current-students/bus-cards/>. This website also contains information if a student needs to report a lost or stolen bus card. Replacement cards require a fee.

Inappropriate actions or language are grounds for being banned from Metro Transit services for 30 days or more and your Student Pass could be deactivated. If your Student Pass is lost or suspended, you will be responsible for your own transportation. New passes require a fee.

Students must comply with current policy and procedure of Metro Transit due to COVID-19. Current guidelines can be found at <http://metrotransit.org/health>.

Dress and Appearance

A high school education is about more than learning content and skills. At SPCPA, we pride ourselves on nurturing civic-minded, globally competent, compassionate, and creative problem solvers who can navigate real challenges in the real world. Part of navigating the real world requires understanding the importance of context. Choosing the right attire for different contexts is an important life skill and professional expectation. For example, the clothes you would wear for an academic classroom (business casual) are different from clothes designed for a movement class (*loose/baggy to allow for mobility*) or a performance (*costumes as approved by the instructor*). This dress code encourages students to dress appropriately for each context. This will provide an environment that allows students and teachers to feel comfortable and focus on learning.

Clothing may not include words or visuals which are discriminatory, advertise drugs, alcohol, or tobacco, or which interfere with the learning process. Grooming or dress that threatens or demeans others on the basis of race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status regarding public assistance, sexual orientation, disability, or other characteristic identified in Minnesota Statutes, section 363A.13 is not allowed. Clothing must be appropriate for the weather and activity. Shoes must always be worn for health and safety reasons. For safety, brimmed hats, whole-face coverings, sunglasses (except outdoors), or any item that would prevent the student from being reasonably identifiable may not be worn. Exceptions may be authorized by school administrators.

Drug-Free School and Workplace

SPCPA policy has zero tolerance for any controlled substance. Students caught with any controlled substance will be immediately suspended. Expulsion may follow pending the School Board's decision.

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

SPCPA policy is not violated when a student brings a controlled substance for personal use which has a currently accepted medical treatment, except medical cannabis. The student must have a physician's prescription for the substance. Students who have prescriptions must comply with SPCPA's procedures for medication administration.

Electronic Devices

The classroom teacher determines the appropriate use of electronic devices by students. Students may not use a cell phone or other electronic communication device to engage in conduct prohibited by SPCPA policies including, but not limited to cheating, bullying, harassment, gang activity, etc. during the school day. If SPCPA administration has a reasonable suspicion that a student has violated a school rule or law by use of a cell phone or other electronic device, the school may search the device. Students who use an electronic device during the school day and/or in violation of school or classroom policies may be subject to disciplinary action pursuant to the school's discipline policy. In addition, a student's cell phone or electronic device may be confiscated by the school and, if applicable, provided to law enforcement. Cell phones or other electronic devices that are confiscated and retained by the school will be returned in accordance with school procedures.

Under no circumstances are electronic devices or cameras permitted in restrooms and changing areas.

SPCPA is not liable for the loss or theft of electronic devices. The school is not responsible for students' personal property. It is highly recommended that students do not bring valuable items to school. School personnel are unable to track down missing items.

Elevator Use

All students must take stairs. Students with appropriate medical documentation may obtain an elevator pass from the main office at the Lowry. Only students with authorized elevator passes may use the school's elevator in Lowry and Wilkins. The residential elevators in the main lobby of the Lowry (350 St. Peter Street) are not for student use.

Finale Attendance

It is a privilege to attend *Finale*. Students will not be able to attend the spring dance, *Finale*, if one or more of the following conditions are met:

- Student did not attend school on the last day.
- Violations of school conduct expectations on the last day of school.
- Receive two or more suspensions during the school year.

Hall Decorum

Students must obtain teacher permission and utilize the classroom pass in order to leave the classroom when class is in session.

Students must maintain an appropriate and respectful noise level during passing time.

Students must maintain a quiet and professional noise level while in hallways, skyways, and common areas. Public displays of romantic affection are not allowed in school. Disciplinary action may be taken for inappropriate displays of affection.

ALL students must take designated SPCPA stairways. SPCPA elevators may be used by students only with appropriate medical documentation and administrator approval. Students must obtain an elevator pass from a school administrator. Elevator passes must always be visible when students are waiting for or using the elevator. Passes are valid for a single student only. The residential elevators in the main lobby of the Lowry (350 St. Peter Street) are not for student use.

Harassment and Violence Prohibition

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

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

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

The school will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school personnel who is found to have violated this policy.

See Policy 413 (spcpa.org) for additional information regarding SPCPA's harassment and violence policy.

Hazing Prohibition

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

See Minnesota Statute 121A.69.

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

Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy. This policy applies to behavior that occurs on or off school property and during and after school hours.

Internet Acceptable Use

Student Internet & Digital User Agreement

1. Students must follow the rules below:
 - a) Do not use video sites for non-academic purposes as they use too much bandwidth.
 - b) Do not illegally download or stream videos.
 - c) Use of social media in violation of SPCPA's expectations and policies regarding student behavior is not allowed.
 - d) Sites to stream music are acceptable as long as there is no video (e.g. no YouTube for music).
2. Teachers must give permission to use personal electronic devices during class time.
3. The wireless access is for the use of personal computers, smartphones, and tablets.
4. Inappropriate use will result in the loss of wireless access.

Students may only receive up to two (2) wireless pass codes per school year (e.g. lost passcodes, change of device, etc.).

Suspected Maltreatment of Minors

School professionals are required to report suspected maltreatment of minors (evidence of child physical or sexual abuse, neglect, emotional maltreatment, mental injury, threatened injury or prenatal exposure to controlled substances; suspected neglect or abuse within the past three years, kidnapping; or depriving another of custodial or parental rights).

Upon receiving a report of suspected maltreatment of a minor, school personnel must contact the Child Protection Unit of the county in which the student resides, the local police department, and/or the Minnesota Department of Education within 24 hours.

Tobacco-Free Schools

Students and staff have the right to learn and work in an environment that is tobacco free. School policy is violated by any individual's use of tobacco, tobacco-related devices, or carrying or using activated electronic delivery devices in a public school, on school grounds, in any school-owned vehicles, or at any school events or activities. Students may not possess any type of tobacco, tobacco-related devices, or electronic delivery devices at a school location. Any student who violates this policy is subject to SPCPA discipline.

Vandalism

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

Weapon Prohibition

No person will possess, use, distribute, or sell a weapon when in a school location. A "weapon" means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded, air guns, pellet guns, BB guns, knives, blades, clubs, metal knuckles, nunchucks, throwing stars, explosives, fireworks, mace and other propellants, stun guns, ammunition, poisons, chains, arrows, and objects that have been modified to serve as a weapon. A weapon also includes look-alike weapons. Appropriate discipline and action will be taken against any person who violates this policy. SPCPA does not allow the possession, use, distribution, or sale of weapons by students.

Policies

All SPCPA policies can be found spcpa.org. Printed copies of the policies can be made upon request. The Parent & Student Handbook that includes policies referenced within can be obtained in a digital format at spcpa.org

Policies & Procedures Included in Digital Handbook

1. Policy 413 Harassment and Violence Policy
2. Policy 506 Student Discipline Policy
3. Policy 514 Bullying Prohibition Policy
4. Policy 522 Student Sex Nondiscrimination Policy

Appendix A: Behavior and Response Matrix

This matrix provides guidelines for staff when responding, if appropriate, to student behaviors and administrators when enforcing student discipline policies and procedures. Pursuant to Policy 506 (Student Discipline) (spcpa.org), SPCPA reserves the right to impose discipline based on individual circumstances. *See Policy 506 (spcpa.org) for additional information regarding SPCPA's discipline policy.*

The purposes of establishing and enforcing behavior expectations in a school are to:

- (1) maintain a safe and orderly learning environment in the classroom, school and off-site activities;
- (2) give each student the best opportunity for success in his/her education;
- (3) assist the offending student to reflect upon their behavior and assume greater responsibility to make correct choices; and
- (4) provide a basis for each student to develop a foundation of citizenship.

| | BEHAVIORS | Staff Response (1st Event) | Staff Response (2nd & 3rd Events) | Administrative Response (1st Behavior Referral) | Administrative Response (2nd Behavior Referral) | Administrative Response (3rd Behavior Referral) |
|---|--|--|--|---|---|---|
| 1 | Attendance <ul style="list-style-type: none"> ▪ A student who skips a portion or entire class. ▪ Misuse of a pass | Student Conference, Parent Notification, Behavior Referral | | Student Conference, Parent Notification, Detention(s) | 1 Day Suspension | 3 Day Suspension |
| 2 | Academic Dishonesty Plagiarism, unauthorized collaboration, cheating, or facilitating academic dishonesty. | Student Conference, Parent Notification, Behavior Referral | | Student Conference, Parent Notification, Detention(s) | 1 Day Suspension | 3 Day Suspension |
| 3 | Records or Identification Falsification Falsifying identities, signatures, attendance, or other data, or refusing to give proper identification, giving false information to a staff member. | Student Conference, Parent Notification, Behavior Referral | | 1 Day Suspension | 3 Day Suspension | 5 Day Suspension |
| 4 | Gambling and Games All gambling and non-instructional card/dice games are strictly forbidden at SPCPA. Hacky sack and similar non-instructional games where items are tossed or kicked may not be played inside school facilities. | Student Conference, Parent Notification, Behavior Referral | | Student Conference, Parent Notification, Detention(s) | 1 Day Suspension | 3 Day Suspension |

Appendix A – Behavior and Response Matrix

| | BEHAVIORS | Staff Response (1 st Event) | Staff Response (2 nd & 3 rd Events) | Administrative Response (1 st Behavior Referral) | Administrative Response (2 nd Behavior Referral) | Administrative Response (3 rd Behavior Referral) |
|----|--|--|---|---|---|---|
| 5 | Misuse of Technology (Including Cell Phones) Students may not use cell phones or personal electronic mobile devices at times and in locations where use is prohibited. Cell phones are not to be used in ways that disrupt the educational process, which includes misuse in class, or in any way that sacrifices, or potentially sacrifices learning or academic integrity. | Student Conference | Student Conference, Parent Notification (2 nd) Behavior Referral (3 rd – 5 th) | Student Conference, Parent Notification, Detention(s) | 1 Day Suspension | 3 Day Suspension |
| 6 | Insubordination The deliberate refusal to obey the reasonable request or directive of a school staff member or employee. | Student Conference, Parent Notification | Student Conference, Parent Notification Behavior Referral (2 nd – 5 th) | Student Conference, Parent Notification, Detention(s) | 1 Day Suspension | 3 Day Suspension |
| 7 | Interference, Disruption, or Obstruction Any action taken to attempt to prevent one or more staff members or students from exercising assigned duties. | Student Conference, Parent Notification, Behavior Referral | | Student Conference, Parent Notification, Detention(s) | 1 Day Suspension | 3 Day Suspension |
| 8 | Inappropriate or Offensive Behavior Inappropriate conduct displayed during school, on school property, or at a school event. | Student Conference, Parent Notification, Behavior Referral | | 1 Day Suspension | 3 Day Suspension | 5 Day Suspension |
| 9 | Inappropriate Sexual Behavior Inappropriate conduct of a sexual nature displayed during school, on school property, or at a school event. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 10 | Abuse: Verbal, Written or Otherwise Expressed <i>(upon a student)</i> Causing alarm in others by using language that is discriminatory, abusive, threatening or obscene. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |

Appendix A – Behavior and Response Matrix

| | BEHAVIORS | Staff Response (1st Event) | Staff Response (2nd & 3rd Events) | Administrative Response (1st Behavior Referral) | Administrative Response (2nd Behavior Referral) | Administrative Response (3rd Behavior Referral) |
|----|---|--|--|---|---|---|
| 11 | Abuse: Verbal, Written, or Otherwise Expressed (upon a staff member) Causing alarm in others by using language that is discriminatory, abusive, threatening, or obscene. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 12 | Assault: Verbal, Written or Otherwise Expressed (upon a student) Confrontation with a student which bullies, intimidates, threatens or causes fear of bodily harm or death. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 13 | Assault: Verbal, Written or Otherwise Expressed (upon a staff member) Confrontation with a staff member which bullies, intimidates, threatens or causes fear of bodily harm or death. | Immediate Behavior Referral | | 5 Day Suspension | Expulsion | |
| 14 | Fighting: Promoting or Instigating a Fight between Others Instigating or encouraging a fight between others, verbally or through behavior. | Immediate Behavior Referral | | 1 Day Suspension | 3 Day Suspension | 5 Day Suspension |
| 15 | Fighting – Participating Contributing to a fight verbally or physically. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |

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| | BEHAVIORS | Staff Response (1st Event) | Staff Response (2nd & 3rd Events) | Administrative Response (1st Behavior Referral) | Administrative Response (2nd Behavior Referral) | Administrative Response (3rd Behavior Referral) |
|----|---|--|--|---|---|---|
| 16 | Bullying “Bullying” means severe or pervasive physical or verbal acts or conduct that is intimidating, threatening, abusive, or harming, is objectively offensive and: <ul style="list-style-type: none"> ▪ an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or ▪ materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. ▪ has a substantially detrimental effect on the student’s physical and/or mental health ▪ <i>Please refer to Policy 514(spcpa.org) for additional information regarding bullying.</i> | | Immediate Behavior Referral | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 17 | Cyber Bulling Bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, Internet website, or forum, transmitted through a computer, cell phone, or other electronic device(s). The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment. | | Immediate Behavior Referral | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 18 | Hazing Committing an act against a student or coercing a student into committing an act that creates a substantial risk of harm or holds a student up to ridicule in order to the student to be initiated into or affiliated with a student organization, group or club. | | Immediate Behavior Referral | 3 Day Suspension | 5 Day Suspension | Expulsion |

Appendix A – Behavior and Response Matrix

| | BEHAVIORS | Staff Response (1 st Event) | Staff Response (2 nd & 3 rd Events) | Administrative Response (1 st Behavior Referral) | Administrative Response (2 nd Behavior Referral) | Administrative Response (3 rd Behavior Referral) |
|----|--|--|---|---|---|---|
| 19 | Assault: Physical (<i>upon a student</i>) Acting with intent to cause fear in another person, immediate bodily harm or death. Intentionally bullying, inflicting or attempting to inflict bodily harm upon another person. | Immediate Behavior Referral | | 5 Day Suspension | Expulsion | |
| 20 | Assault: Physical (<i>upon a staff member</i>) Acting with intent to cause fear in another person, immediate bodily harm or death. Intentionally bullying, inflicting or attempting to inflict bodily harm upon another person. | Immediate Behavior Referral | | Expulsion | | |
| 21 | Assault: Aggravated Inflicting bodily harm upon a person using a weapon or a device used as a weapon. | Immediate Behavior Referral | | Expulsion | | |
| 22 | Pornography Possession of sexually explicit material. | Immediate Behavior Referral | | 1 Day Suspension | 3 Day Suspension | 5 Day Suspension |
| 23 | Harassment “Harassment” prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual’s or group of individuals’ race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status regarding public assistance, sexual orientation, or disability when the conduct: <ul style="list-style-type: none"> ▪ Has the purpose or effect of creating an intimidating, hostile, or offensive learning or working environment; ▪ has the purpose or effect of substantially or unreasonably interfering with an individual’s work or educational performance; or ▪ otherwise adversely affects an individual’s employment or educational opportunities. ▪ <i>Please refer to Appendix C of the Student and Parent Handbook, Policy 413(spcpa.org)</i> | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |

Appendix A – Behavior and Response Matrix

| | BEHAVIORS | Staff Response (1 st Event) | Staff Response (2 nd & 3 rd Events) | Administrative Response (1 st Behavior Referral) | Administrative Response (2 nd Behavior Referral) | Administrative Response (3 rd Behavior Referral) |
|----|---|--|---|---|---|---|
| 24 | Lewd Behavior Sexual conduct that is considered indecent or offensive or other indecent behavior. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 25 | Harassment: Sexual Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature. <i>Please refer Policy 413 (spcpa.org) for more information regarding Sexual Harassment.</i> | Immediate Behavior Referral | | 5 Day Suspension | Expulsion | |
| 26 | Sexual Violence Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas. <i>Please refer Policy 413 (spcpa.org) for more information regarding Sexual Violence.</i> | Immediate Behavior Referral | | Expulsion | | |
| 27 | Tobacco & Vaping Possession, use, or distribution of tobacco or electronic cigarette materials and liquids (vaping), in or around school facilities, vehicles, or at events. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 28 | Alcohol Consumption, use, exchange, or possession of alcohol, regardless of quantity, or being under the influence of alcohol in school, on school property, or during school related functions, or consumed away from school with the student coming or returning to school. | Immediate Behavior Referral | | Expulsion | | |

Appendix A – Behavior and Response Matrix

| | BEHAVIORS | Staff Response (1st Event) | Staff Response (2nd & 3rd Events) | Administrative Response (1st Behavior Referral) | Administrative Response (2nd Behavior Referral) | Administrative Response (3rd Behavior Referral) |
|----|---|--|--|---|---|---|
| 29 | Illegal Drugs Consumption, use, misuse, exchange, or possession of illicit substances, including medical cannabis, paraphernalia, or look alike or simulated chemicals, regardless of quantity, or being under the influence of such substances in school, on school property, or during school related functions, or consumed away from school with the student coming or returning to school. | Immediate Behavior Referral | | Expulsion | | |
| 30 | Over the Counter (OTC) Drugs Any student in possession of or using an “over-the-counter” medication must do so in a manner consistent with district policy. Selling, distributing, delivering, exchanging, or intending to sell, deliver, exchange or distribute any “over-the-counter” medication is prohibited | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 31 | Medication Misuse Any student in possession of or using prescription medication must do so in a manner consistent with district policy. Selling, distributing, delivering, exchanging, or intending to sell, deliver, exchange or distribute any prescription medication is prohibited. | Immediate Behavior Referral | | 5 Day Suspension | Expulsion | |
| 32 | Trespassing Being present in any SPCPA facility or portion of an SPCPA facility when it is closed to the public or when the student does not have the authorization to be there, or unauthorized access or activity involving SPCPA technology. | Immediate Behavior Referral | | 3 Day Suspension | 5 Day Suspension | Expulsion |
| 33 | Theft or Knowingly Receiving or Possessing Stolen Property Unauthorized taking of the property of another person or receiving or possessing such property | Immediate Behavior Referral | | 3 Day Suspension, Restitution | 5 Day Suspension, Restitution | Expulsion, Restitution |
| 34 | Damage of Property (Vandalism) Damaging, harming, defacing, or stealing property that belongs to or is associated with the school, other students, employees, or others. Vandalism will also include creating, installing, or distributing computer viruses, software, or any other form of malicious computer code. | Immediate Behavior Referral | | 5 Day Suspension, Restitution | Expulsion Restitution | |

Appendix A – Behavior and Response Matrix

| | BEHAVIORS | Staff Response (1 st Event) | Staff Response (2 nd & 3 rd Events) | Administrative Response (1 st Behavior Referral) | Administrative Response (2 nd Behavior Referral) | Administrative Response (3 rd Behavior Referral) |
|----|--|--|---|---|---|---|
| 35 | Burglary Entering a building or specific area of building without consent and with intent to commit a crime or entering a building without consent and committing a crime. | Immediate Behavior Referral | | 5 Day Suspension Restitution | Expulsion Restitution | |
| 36 | Robbery Obtaining property from another person where his or her consent was induced by use of force or threat of force. | Immediate Behavior Referral | | Expulsion, Restitution | | |
| 37 | Extortion Obtaining money or property by threat to a victim's property or loved ones. Intimidation with intention of obtaining the money or property of another person without their consent. | Immediate Behavior Referral | | Expulsion, Restitution | | |
| 38 | Lighting and/or Possessing Incendiary Devices Unauthorized igniting of matches, lighters, and other devices that produce flames | Immediate Behavior Referral | | 1 Day Suspension | 3 Day Suspension | 5 Day Suspension |
| 39 | Fire Alarm: False Intentionally giving a false alarm of a fire or tampering or interfering with any fire alarm. | Immediate Behavior Referral | | 5 Day Suspension, Restitution | Expulsion Restitution | |
| 40 | Fire Extinguisher: Unauthorized Use Unauthorized handling of a fire extinguisher | Immediate Behavior Referral | | 5 Day Suspension, Restitution | Expulsion Restitution | |
| 41 | Ammunition, Mace, or Pepper Spray Possession of ammunition or other projectiles designed to be used as a weapon or with a weapon. Other items or materials (e.g. mace or pepper spray) designed to cause pain or injury that are used against another SPCPA student or employee. | Immediate Behavior Referral | | 5 Day Suspension, | Expulsion | |
| 42 | Fireworks: Possession Possessing or offering for sale any substance, combination or substances or article prepared to produce a visible or audible effect by combustion, explosion, deflagration, or detonation. | Immediate Behavior Referral | | 5 Day Suspension | Expulsion | |

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| | BEHAVIORS | Staff Response (1st Event) | Staff Response (2nd & 3rd Events) | Administrative Response (1st Behavior Referral) | Administrative Response (2nd Behavior Referral) | Administrative Response (3rd Behavior Referral) |
|----|--|--|--|---|---|---|
| 43 | Fireworks: Use Using any substance or combination of substances prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation | Immediate Behavior Referral | | Expulsion | | |
| 44 | Explosives: Possession or Use Possessing or using a compound or mixture, the primary or common purpose of which is the function by explosion, with substantially instantaneous release of gas and heat. | Immediate Behavior Referral | | Expulsion | | |
| 45 | Arson Intentional destruction or damage to school or SPCPA buildings or property by means of fire | Immediate Behavior Referral | | Expulsion, Restitution | | |
| 46 | Bomb Threat Intentionally giving false alarm of a bomb | Immediate Behavior Referral | | Expulsion | | |
| 47 | Terroristic Threat Threatening, directly or indirectly, to commit a crime of violence with the purpose of terrorizing another or with reckless disregard of the risk of causing terror in another. | Immediate Behavior Referral | | Expulsion | | |
| 48 | Potentially Dangerous Item Possessing or using any device or instrument—including any non-conventional weapon—that, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. (Other weapons include knives with blades under 2.5 inches, fake knives, look alike weapons, chains, etc.) | Immediate Behavior Referral | | 5 Day Suspension | Expulsion | |
| 49 | Weapons: Possession or Use Possessing any firearm, whether loaded or unloaded; any knife; or other device, instrument, or substance, which, in the way it is used or intended to be used is calculated or likely to produce severe bodily harm. | Immediate Behavior Referral | | Expulsion | | |



Appendix B: High School Graduation Requirements

ARTS CREDIT REQUIREMENTS

To receive a diploma, students must successfully complete required credits in arts.
Arts credit requirements are determined based on the year students enroll in SPCPA.

Required courses vary, based on the arts program:

Dance, Musical Theatre, Theatre, Instrumental Music, Vocal Arts, Creative Writing and Visual Arts.

| GRADE OF ENTRY INTO SPCPA* | ARTS CREDITS REQUIRED FOR GRADUATION |
|----------------------------|--------------------------------------|
| 9 | 20 |
| 10 | 15 |
| 11 | 10 |
| 12 | 5 |

*Students who enter the school mid-year will have their arts credit requirements adjusted accordingly.

ACADEMIC CREDIT AND COURSE REQUIREMENTS

To receive a diploma, students must successfully complete the following state required credits, including the specific courses listed below (or the Advanced or AP equivalent).

| ENGLISH | SOCIAL STUDIES |
|--|---|
| 4.0 credits | 3.5 credits |
| <ul style="list-style-type: none"> • (1 Credit) English 09 • (1 Credit) English 10 • (1 Credit) English 11 • (1 Credit) English 12 | <ul style="list-style-type: none"> • (1 Credit) World History • (1 Credit) U.S. History • (.5 Credit) Government • (.5 Credit) Economics • (.5 Credit) Geography |
| MATHEMATICS | SCIENCE |
| 3.0 credits | 3.0 credits |
| <ul style="list-style-type: none"> • (1 Credit) Algebra 2 | <ul style="list-style-type: none"> • (1 Credit) Biology • (1 Credit) Chemistry |

Please consider the following:

- ✓ 1.0 Credit = Year-Long Course & .5 Credit = Semester Course
- ✓ Students who do not submit course requests will be placed into classes at the discretion of administration.
- ✓ A complete list of course offerings and descriptions are outlined in the 2022-2023 Academic Course Guide which is posted on the SPCPA website under "Academics."
- ✓ All elective courses must have a minimum enrollment of 20 to be offered.
- ✓ Courses requested for credit recovery are not guaranteed.
- ✓ AP grades are weighted (by a factor of 1.20) when the grade point average (GPA) is calculated.
- ✓ PSEO courses have separate review process for admissions, as determined by the college.
- ✓ Administration may alter a student's course requests following a transcript review.

Appendix C: Policy 413: Harassment and Violence



Adopted
Last Reviewed

08.2005
09.2021

413 Harassment and Violence

1. Purpose

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

2. General Statement of Policy

- A. The policy of the school is to maintain learning and working environments free from harassment and violence on the basis of race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school prohibits any form of harassment or violence on the basis of race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any student, or school personnel harasses a student, or school personnel or group of students, staff members, or school personnel through conduct or communication based on a person's race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. For purposes of this policy, school personnel include members of the Board of Directors, school employees, agents, volunteers, contractors, and persons subject to the supervision and control of the school.
- C. A violation of this policy occurs when any student or school personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, group of students, or school personnel based on a person's race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. The school will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student or school personnel who is found to have violated this policy.

Appendix C: Policy 413: Harassment and Violence

- E. The Board of Directors hereby designates the Dean of Students as its Title IX coordinator. This employee coordinates the efforts of the school to comply with and carry out its responsibilities under Title IX.
- F. The alternate Title IX coordinator is the Chair of the Board of Directors, and acts as coordinator for each complaint where the Title IX coordinator is unable to fill their role to do a conflict of interest or other documented reason.
- G. Anyone having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education.

3. Definitions

- A. **Actual knowledge** means notice of sexual harassment or allegations of harassment to the Title IX coordinator or other school employee, unless that individual is also the respondent.
- B. **Assault** is:
 - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
 - 2. the intentional infliction of, or attempt to inflict, bodily harm upon another; or
 - 3. the threat to do bodily harm to another with present ability to carry out the threat.
- C. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment or discrimination.
- D. **Formal Complaint** means document filing by a complainant or the Title IX Coordinator alleging sexual harassment against a respondent and requesting investigation or the allegations. The complaint must state that when it is filed, the complainant was participating in or attempting to participate in the school's education program or activities and must be signed physically or digitally by the complainant to indicate submission to the Title IX coordinator by the complainant either electronically by email or physically in person or by mail. If not signed by the complainant, the Title IX coordinator may sign the formal complaint to initiate the investigation over the wishes of the complainant if doing so is not clearly unreasonable in light of the known circumstances.
- E. **Harassment** prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
 - 1. has the purpose or effect of creating an intimidating, hostile, or offensive learning or working environment;

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2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance; or
3. otherwise adversely affects an individual's employment or educational opportunities.

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

G. Definitions of Protected Classifications

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

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- 8. **Status with regard to public assistance** means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- H. **Remedial response** means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- I. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or discrimination.
- J. **Retaliation** includes, but is not limited to, any form of intimidation, reprisal, or harassment. Interference with the complaint process, or any right or privilege secured by Title IX constitutes retaliation for the purposes of this policy. It is not retaliation to exercise rights under the First Amendment, nor is it retaliation to charge individuals with code of conduct violations who make materially false statements in bad faith. Such determination of bad faith must not solely rest on the complaint process determination of responsibility.
- K. **School personnel** includes members of the Board of Directors, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school.
- L. **Sexual Harassment** consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication or communication of a sexual nature when:
 - 1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.
 - 4. Sexual harassment may include but is not limited to:
 - a. Unwelcome verbal harassment or abuse;
 - b. Unwelcome pressure for sexual activity;
 - c. Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers,

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administrators or other school personnel to avoid physical harm to persons or property;

- d. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. Unwelcome behavior or words directed at an individual because of gender.

M. Sexual Violence

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

- N. Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

4. Title IX Roles

Several individuals are involved in addressing, working on, assisting with, or adjudicating the school's response to reports and complaints. These personnel have distinct roles and must avoid conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent in resolving a complaint. Individuals must be qualified for the role they serve and meet necessary training requirements detailed in this policy, state, and federal rules and statutes.

A. **Title IX Coordinator**

or designated alternate is the school employee tasked with coordinating the efforts to comply and carry out responsibilities under Title IX. The coordinator is the primary contact for parties and ensures notice, evidentiary procedures, reports, and written determinations are conducted and disseminated appropriately. The coordinator is also the designee for implementing supportive measures and remedies and must be free from conflicts of interest in process administration. The acting coordinator for a complaint may not be a decision-maker.

B. **Investigator**

is the person tasked with gathering and reviewing evidence in response to the formal complaint. This individual may not be both a decision-maker and an investigator on any complaint and may be a school employee or designated third-party.

C. **Decision-maker**

is either the original person making the determination regarding responsibility after a concluded investigation or the separate appellate reviewer considering and deciding appeals of determinations or dismissals of formal complaints. To avoid conflicts, decision-makers must not have served in other coordinating, investigative, or original decision-making roles on complaints or appeals they decide. School employees or a designated third-party may serve as decision-maker.

D. **Informal Resolution Facilitator**

is the person tasked with bringing the parties to a mediated voluntary agreement on remedies and supportive measures that is not contingent upon the waiver of rights detailed in this policy. The facilitator may be engaged at any point after the formal complaint is filed given proper written notice to the parties and voluntary written consent from both parties to participate in the informal resolution process.

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This individual may be a school employee or designated third-party but may not apply informal resolution process to resolve sexual harassment from a school employee to a student.

- E. Qualified individuals must have received training that does not rely on sex stereotypes and promotes impartial investigations and adjudications of formal complaints of sexual harassment. This training will include:
 - 1. the definition of sexual harassment,
 - 2. the scope of the school's education program or activity,
 - 3. how to investigate and grievance process including:
 - a. hearings, appeals, and information resolution processes,
 - b. how to serve impartially,
 - c. avoiding prejudgment of the facts at issue,
 - d. conflicts of interest, and bias.
 - 4. technology to be used at a live hearing, as required
 - 5. how to determine and fairly summarize issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

5. Formal Grievance Process

The school's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. To support this formal process, the school will adhere to the process components described in this section.

- A. Treat complainants and respondents equitably. However, supportive measures provided to complainants and respondents need not be equitable. Equity is achieved by:
 - 1. a determination of responsibility for sexual harassment has been made against the respondent, and
 - 2. providing remedies to a complainant once a determination of responsibility for sexual harassment has been made against the respondent. Remedies are actions designed to restore or preserve equal access to the school's educational programs or activities and:
 - a. may be individualized services including supportive measures
 - b. may be disciplinary or punitive;
 - c. do not need to avoid burdening the respondent.

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- B. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the school and not on the parties. The school must perform an objective evaluation of all relevant evidence:
 - 1. whether inculpatory or exculpatory
 - 2. make credibility determinations independent of status as a complainant, respondent, or witness.
 - 3. If confidential or privileged records are needed, the school must obtain that party's voluntary, written consent to do so for a grievance process. Otherwise, the school may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.
- C. Perform an objective evaluation of all relevant evidence whether inculpatory or exculpatory and make credibility determinations independent of status as a complainant, respondent, or witness. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the school and not on the parties provided that the school cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the school obtains that party's voluntary, written consent to do so for a grievance process.
- D. Rights of respondents and complainants:
 - 1. The respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
 - 2. Parties will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
 - 3. Respondents and complainants will not be restricted the ability to discuss the allegations under investigation or to gather and present relevant evidence.
 - 4. The parties will be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

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5. Parties whose participation is invited or expected will be provided with written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
6. Parties will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the school must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to the completion of the investigative report. The school must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
7. Parties will receive an investigative report regarding responsibility, sent to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response.
8. The school will make a reasonable effort to complete the grievance process in a prompt manner. This includes:
 - a. Undertaking or authorizing an investigation within three (3) days of the receipt of a report, complaint, or grievance alleging unlawful sex discrimination toward a student.
 - b. Creating an investigative report that fairly summarizes relevant evidence at least 10 days prior to a hearing (if a hearing is required).
 - c. Completing the investigation within ten (10) school days.
9. The school may temporarily delay or extend the grievance process for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
10. Sanctions and remedies consistent with related disciplinary policy for staff may include consequences up to termination following any determination of responsibility. Student sanctions and remedies, if appropriate, will be consistent with the student handbook, school policies, and state law.

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11. For all formal complaints whether student or staff respondents, the school will determine responsibility based upon a preponderance of evidence.
12. Maintain information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

6. Reporting Grievance Procedures

- A. People who believe they have been the victim of harassment or violence on the basis of race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, school personnel, or any person with knowledge or belief of conduct which may constitute prohibited harassment or violence toward a student, group of students, or school personnel should report the alleged acts immediately to an appropriate school official listed in the appendix of this policy. These complaints may not be subject to an informal resolution. A person may report conduct which may constitute harassment or violence anonymously. However, the school may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school encourages the reporting party or complainant to use the report form available from a building principal or in the main office, but oral reports shall be considered a valid complaint as well. Nothing in this policy shall prevent any person from reporting harassment or violence toward a student directly to the Title IX coordinator, or the Chair of the Board of Directors if the Title IX coordinator is party to the complaint.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the superintendent. If the complaint involves a principal, the complaint shall be made or filed directly with the superintendent by the reporting party or complainant. If the complaint involves the superintendent, the complaint shall be made or filed directly with the Chair of the Board of Directors.
- D. A principal, the designated official, (hereinafter a "building report taker") is a person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at school buildings. Any adult school personnel who receive a report of harassment or violence prohibited by this policy shall inform a building report taker immediately. A principal may request but may not insist upon a written complaint. A building report taker shall ensure this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters, unless the report is of Title IX harassment or violence, when the Title IX Coordinator becomes the primary contact.
- E. Upon receipt of a report or grievance, a principal must notify the Title IX coordinator immediately, without screening or investigating the report. A written statement of the facts alleged will be forwarded to the Title IX coordinator or if the report was given verbally, the principal shall personally transfer it to written form

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within 24 hours and forward it to the Title IX coordinator. Failure to forward any report or complaint of harassment or violence toward a student may result in disciplinary action against the individual(s).

- F. If the complaint involves a principal, the complaint shall be made or filed directly with the superintendent. If the complaint involves the superintendent, the complaint shall be filed directly with the Chair of the Board of Directors.
- G. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform a building report taker immediately. School personnel who fail to inform a building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- H. The school shall conspicuously post the name of building report takers and the superintendent including mailing addresses and telephone numbers.
- I. False accusations or reports of violence or harassment against another person are prohibited.
- J. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school's policies and procedures.
- K. Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
- L. Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.
- M. Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school locations and/or termination of services and/or contracts.

7. Investigation

- A. By authority of the school, the human rights officer, within three (3) days of the receipt of a report, complaint, or grievance alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The

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investigation may be conducted by school officials or by a third party designated by the school.

B. Notification

Upon receipt of a formal complaint, the school must provide the following written notice to the parties who are known:

1. The school's grievance process, including any informal resolution.
2. The allegations of harassment or violence, including sufficient details currently known and with sufficient time to prepare a response before any initial interview:
 - a. the identities of the parties involved in the incident
 - b. the conduct allegedly constituting harassment or violence
 - c. the date and location of the alleged incident.
3. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
4. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
5. inform the parties of any provision in the school's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
6. If, in the course of an investigation, additional allegations about the complainant or respondent that are not included in the notice are added to the investigation, the school must provide notice of the additional allegations to the known parties.

C. Dismissal of a Formal Complaint

The school must investigate the allegations in a formal complaint for the purposes of discrimination under Title IX.

1. The formal complaint under Title IX must be dismissed under the following conditions, but such a dismissal does not preclude other action under the school's code of conduct for the alleged behavior:
 - a. If the conduct would not constitute harassment or violence even if proved,
 - b. If the conduct did not occur in the school's education program or activity, or
 - c. If the conduct did not occur against a person in the United States.
2. The school may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

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- a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. the respondent is no longer enrolled or employed by the school; or
 - c. specific circumstances prevent the school from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Upon a dismissal required or permitted in this policy, the school must promptly send written notice of the dismissal and reason(s) simultaneously to the parties.

D. Consolidation of Formal Complaints

The school may consolidate formal complaints of allegations of sexual harassment against more than one respondent or complainant where the allegations of harassment or violence arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

E. Hearings

The school may provide a hearing. With or without a hearing, after the school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) must:

1. afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness,
2. provide each party with the answers, and allow for additional, limited follow-up questions from each party.
3. Decide on relevance of questions and evidence including questions or evidence. This includes questions or evidence irrelevant under the rape shield protections for complainants, where issues of the complainant's sexual predisposition or prior sexual behavior:
 - a. would not be relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged, or
 - b. concerning specific incidents of the complainant's prior sexual behavior with respect to the respondent offered to prove consent.
4. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

F. Determination on Formal Complaints

1. The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination

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regarding responsibility. To reach this determination, the school must apply the preponderance of evidence standard.

2. The written determination must include:
 - a. Identification of the allegations potentially constituting sexual harassment;
 - b. 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, methods used to gather other evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the school's code of conduct to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided by the school to the complainant; and
 - f. The school's procedures and permissible bases for the complainant and respondent to appeal.
3. The school must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the school 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.
4. The Title IX Coordinator is responsible for effective implementation of any remedies.

G. Length of Investigation

The school, to the best of its ability, will complete the investigation within ten (10) school days. The school will notify the parties involved in writing, which includes email, if the investigation will not be completed within the designated timeframe. The investigator(s) shall make a written report upon completion of the investigation. If the complaint involves the Title IX coordinator, the report may be filed directly with the Chair of the Board of Directors. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

8. Appeals

- A. The school must offer both parties an appeal from a determination regarding responsibility, and from the school's dismissal of a formal complaint or any allegations therein, on the following bases:

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1. Procedural irregularity that affected the outcome of the matter;
 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(s), or decision-maker(s) 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. The school may offer an appeal equally to both parties on additional bases.
- C. For all appeals, the school must:
1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
 3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
 4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 5. Issue a written decision describing the result of the appeal and the rationale for the result; and
 6. Provide the written decision simultaneously to both parties.

9. Informal Complaint Resolution Process

The school may not require a waiver of the right to an investigation and adjudication of formal complaints of harassment or violence consistent with this policy as a condition of any right. Similarly, the school may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the school may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the school:

- A. Provides to the parties a written notice disclosing:
1. the allegations,
 2. 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, provided, however, that 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, and

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3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- B. Obtains the parties' voluntary, written consent to the informal resolution process; and
- C. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

10. Recordkeeping

- A. The school must maintain for a period of seven (7) years records of:
 1. Each harassment and/or violence investigation including:
 - a. any determination regarding responsibility,
 - b. any audio or audiovisual recording or transcript,
 - c. any disciplinary sanctions imposed on the respondent,
 - d. any remedies provided to the complainant designed to restore or preserve equal access to the school's education program or activity;
 2. Any appeal and the result;
 3. Any informal resolution and the result; and
 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- B. For each response, the school must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of harassment or violence. In each instance, the school must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the school's education program or activity. If the school does not provide a complainant with supportive measures, then the school must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the school in the future from providing additional explanations or detailing additional measures taken.

11. School Action

- A. Upon conclusion of the investigation and receipt of a report, the Saint Paul Conservatory for Performing Artists will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Saint Paul Conservatory for Performing Artists action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school policies.

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- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by in accordance with state and federal law regarding data or records privacy.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

12. Privacy

- A. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- B. The identity of complainant, reporter, and/or respondent will be treated as confidential information, except as permitted by law. Privacy of the complainant, respondent, and any witnesses will be maintained as much as possible and consistent with legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.
- C. In addition, SPCPA may take immediate steps to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- D. The school 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. School officials will notify the parent(s)/guardian(s) of targets or victims of harassment or violence and the parent(s)/guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

13. Retaliation Prohibited

- A. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited. Submission of a good faith complaint, grievance, or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.
- B. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, educational, or work environment.
- C. The school will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against:

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1. Any person who reports alleged harassment or violence toward a student or any person who testifies,
 2. Assists or participates in an investigation, or refuses to participate in any manner or an investigation,
 3. Or who testifies, assists, or participates, or refuses to participate in any manner in a proceeding or hearing relating to such harassment or violence.
- D. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

14. Right to Alternative Complaint Procedures

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

15. Harassment or Violence as Abuse

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

16. Dissemination of Policy and Training

- A. This policy shall be made available to all students, parent(s)/guardian(s) of students, staff members, employee unions, and the public at-large and conspicuously posted on the school website.
- B. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- C. This policy shall be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school.
- D. This policy shall appear in the student handbook.
- E. The school shall conspicuously post the name of the Title IX coordinator and human rights officer, including office mailing address, telephone number, and email address on the website.

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- F. The school will develop a method of discussing this policy with students and employees.
- G. The school will post any materials used to train Title IX personnel on the website, or otherwise make materials available for the public to inspect.
- H. The school 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.
- I. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References

- ✓ Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
- ✓ Minn. Stat. Ch. 13 (Government Data Practices)
- ✓ Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- ✓ Minn. Stat. § 609.341 (Definitions)
- ✓ Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)
- ✓ 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
- ✓ 29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)
- ✓ 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
- ✓ 34 C.F.R. Part 106 (Implementing Regulations of Title IX)
- ✓ 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
- ✓ 42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)
- ✓ 42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)
- ✓ 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

Cross References

- ✓ SPCPA Policy 102 (Equal Educational Opportunity)
- ✓ SPCPA Policy 401 (Equal Employment Opportunity)
- ✓ SPCPA Policy 402 (Disability Nondiscrimination Policy)
- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- ✓ SPCPA Policy 406 (Public and Private Personnel Data)
- ✓ SPCPA Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
- ✓ SPCPA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 514 (Bullying Prohibition Policy)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)

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- ✓ SPCPA Policy 505 (Student Disability Nondiscrimination)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)
- ✓ SPCPA Policy 524 (Internet Acceptable Use and Safety Policy)
- ✓ SPCPA Policy 525 (Violence Prevention)
- ✓ SPCPA Policy 526 (Hazing Prohibition)
- ✓ SPCPA Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Roles

- ✓ Title IX Coordinator/Human Rights Officer: Dean of Students
- ✓ Alternate Title IX Coordinator: Superintendent
- ✓ Building Report Taker: Principal

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Appendix

Title IX Coordinator/Human Rights Officer

Alissa Abelson, Dean of Students
16 W 5th Street
St. Paul, MN 55102
651-290-2225
abelsona@spcpa.org

Alternate Title IX Coordinator

Callie Jacobs, Superintendent
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St. Paul, MN 55102
651-290-2225
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Building Report Taker

Brian Goranson, Principal
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Appendix D: Policy 506: Student Discipline



Adopted
Last Reviewed

08.2005
06.2021

506 Student Discipline

1. Purpose

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

2. General Statement Of Policy

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

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

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

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

The Board of Directors, with the participation of school administrators, teachers, employees, students, parents, guardians, and other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school.

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3. Definitions

For purposes of this policy, the following terms have the meaning given them in this section:

- A. **Assault** means an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.
- B. **Dismissal** means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.
- C. **Exclusion** means an action taken by the Board of Directors to prevent enrollment or reenrollment of a student for a period that shall not extend beyond the school year.
- D. **Expulsion** means an action taken by the Board of Directors to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled.
- E. **Removal from class** and "removal" mean any actions taken by a school employee to prohibit a student from attending a class or activity period for a period of time not to exceed five days, pursuant to procedures in this policy.
- F. **School location** includes any school building or on any school-affiliated premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event, or function where students are under the jurisdiction of the school; during any period of time when school employees are supervising students on behalf of the school or otherwise engaged in school business; or public, semi-public, and private transportation, locations, and spaces used to commute, park, or otherwise visit before or after the school day and during open periods of the school day.
- G. **Suspension** means an action by the school administration, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the Board of Directors with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school is in the process of initiating

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an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

4. Areas of Responsibility

- A. **The Board of Directors.** The Board of Directors holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy. The Board of Directors holds the authority for all expulsion and exclusion decisions.
- B. **Superintendent.** The superintendent shall establish guidelines and directives to carry out this policy, hold all school personnel, students and parent(s)/guardian(s) responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parent(s)/guardian(s). In exercising the superintendent's lawful authority, the superintendent may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- C. **Administrators.** The school administrators are given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, within the context of the student handbook and subject to superintendent approval. In exercising the administrators' lawful authority, administrators may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- D. **Teachers.** All teachers shall be responsible for providing a well-planned teaching and learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce expectations outlined in the Student Handbook. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. **Other School Personnel.** All school personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent and/or their immediate supervisor. School employees or other agents of the school, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
- F. **Parents or Legal Guardians.** Parent(s)/Guardian(s) shall be held responsible for the behavior of their children as determined by law and community practice. They are

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expected to cooperate with school authorities and to participate regarding the behavior of their children.

- G. **Students**. All students shall be held individually responsible for their behavior and for knowing and obeying the expectations outlined in the Student Handbook and this policy.
- H. **Community Members**. When present at a school location, members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

5. Student Rights

All students have the right to an education and the right to learn. Students also retain the right to due process and equal protection of the law under this policy and the Minnesota Pupil Fair Dismissal Act.

6. Student Responsibilities

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accordance with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with local, state, and federal laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;

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- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school policies;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

7. Code of Student Conduct

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school locations. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school or the safety or welfare of the student, other students, or employees.
 - 1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
 - 2. The use of profanity or obscene language, or the possession of obscene materials;
 - 3. Gambling, including, but not limited to, playing a game of chance for stakes;
 - 4. Violation of the school's Hazing Prohibition Policy;
 - 5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
 - 6. Violation of the school's Student Attendance Policy;
 - 7. Opposition to authority using physical force or violence;
 - 8. Using, possessing, or distributing tobacco, tobacco-related devices, or electronic cigarettes, in violation of the school's Tobacco-Free Environment Policy;
 - 9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;

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10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician (these prohibitions include medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student) in violation of the school's Drug-Free School Policy;
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school's Weapons Policy;
14. Violation of the school's Violence Prevention Policy
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation;
18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
19. Violation of any local, state, or federal law;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of the school's Internet Acceptable Use and Safety Policy;
22. Possession of nuisance devices or objects which cause distractions and may facilitate cheating;
23. Violation of rules associated with school-sponsored transportation;
24. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;

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25. Violation of the school's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
26. Possession or distribution of slanderous, libelous or pornographic materials;
27. Violation of the school's Bullying Prohibition Policy;
28. Violation of the school's Student Dress and Appearance Policy;
29. Falsification of any records, documents, notes, or signatures;
30. Tampering with, changing, or altering records or documents of the school by any method including, but not limited to, computer access or other electronic means;
31. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
32. Impertinent or disrespectful words, symbols, acronyms, or language, oral or written, related to teachers or other school personnel;
33. Violation of the school's Harassment and Violence Policy;
34. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school personnel, or other persons;
35. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
36. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
37. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms, or language, oral or written, that are discriminatory, abusive, obscene, threatening, intimidating degrading to other people, or threatening to school property;
38. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
39. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;

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40. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
41. Other acts, as determined by the school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school personnel, or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school or the safety or welfare of students or employees.

8. Disciplinary Action Options

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

- A. Student conference with school personnel and verbal warning;
- B. Confiscation by school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school policy, rule, regulation, procedure, or state or federal law. If confiscated by the school, and following the completion of any investigation or disciplinary action instituted or taken related to the violation, the confiscated item, article, object, or thing will be:
 1. released only to the parent(s)/guardian(s);
 2. transferred to law enforcement custody; or
 3. destroyed.
- C. Parent/guardian contact;
- D. Parent/guardian conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;

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- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Expulsion under the Pupil Fair Dismissal Act;
- S. Exclusion under the Pupil Fair Dismissal Act; and/or
- T. Other disciplinary action as deemed appropriate by the school.

9. Removal of Students from Class

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parent(s)/guardian(s). When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy.
- B. Grounds for removal from class shall include any of the following:
 - 1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
 - 2. Willful conduct that endangers surrounding persons, including school employees, the student or other students, or the property of the school; a student must be removed from class immediately if the student engages in assault or violent behavior. The removal from class shall be for a period of time deemed appropriate by the superintendent, in consultation with the teacher.
 - 3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct; or

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4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.
 - a. Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.
- C. Procedures for Removal of a Student from a Class are:
 1. Teachers and school staff may remove a student from class for the reasons listed above. If removal is for part of one class period simply to provide the student with time to avoid problems or to provide a clear warning of serious consequences, the formal procedures of this section need not be followed, but school procedures to cover such circumstances will remain in effect.
 2. Staff will contact an administrator when removing a student from class.
 3. A student removed from class shall be promptly escorted from class by an administrator and taken to a designated location for supervision, detention, or in-school suspension. The student will be supervised by a designated staff member for the period of removal.
 4. The staff member that removed the student from class will document the specific grounds for removal, length of the period of removal, conditions for re-entry (e.g. student conference or reinstatement meeting), and any request for administrative support.
 5. The staff member that removed the student from class shall provide the student with the specific grounds for removal, length of the period of removal, conditions of re-entry (e.g. student conference or reinstatement meeting), and the class assignments for the days following the first day of removal, if applicable.
 6. Parent(s)/guardian(s) will be notified by the staff member that removed the student from class by telephone the same day of removal to engage their support in correcting the misconduct and improve the student's behavior. Information will include the specific grounds for removal, length of the period of removal, and the conditions of re-entry including scheduling a conference with the parent(s)/guardian(s), if necessary. If unable to provide same-day notice a written or electronic notice will be sent within two (2) days.
 7. The Director of Special Education will be notified if the student removed is in need of Special Education services. Removal from class of students with disabilities must comply with the conditions of their Individualized Education Plan (IEP), school policy, state, and federal laws. The Director of Special Education will be notified of the removal from class, specific grounds for

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removal, length of the period of removal, and make recommendations, as appropriate, on the conditions of re-entry.

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

10. Dismissal

- A. The school shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion. The school shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.
- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
 - 1. Willful violation of any reasonable Board of Directors regulation, including those found in this policy;
 - 2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
 - 3. Willful conduct that endangers the student or other students, or surrounding persons, including school employees, or property of the school.
- C. Suspension Procedures
 - 1. If a student's total days of suspension exceed ten (10) cumulative days in a school year, the school shall make reasonable attempts to convene a meeting with the student and the student's parent(s)/guardian(s) before subsequently removing the student from school and, with the permission of the parent(s)/guardian(s), arrange for a mental health screening for the student at the parent(s)/guardian(s) expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent(s)/guardian(s) should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
 - 2. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative

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school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.

3. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, instruction through electronic media, special education services as indicated by appropriate assessments, supervised homework, or recommend enrollment in another school.
4. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, an administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence obtained, and give the student an opportunity to present the student's version of the facts. A separate administrative conference is required for each period of suspension.
5. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
6. The school administration shall make reasonable efforts to notify the student's parent(s)/guardian(s) of the suspension by telephone and/or email as soon as possible following suspension.
7. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, shall be personally or electronically served upon the student at or before the time the suspension is to take effect, and upon the student's parent(s)/guardian(s) by email and mail within forty-eight (48) hours of the conference. Service is complete upon mailing.
8. Notwithstanding the foregoing provisions, the student may be suspended pending the Board of Directors' decision in an expulsion or exclusion

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proceeding, provided that alternative educational services are implemented when suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act.
2. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent(s)/guardian(s).
3. The student and parent(s)/guardian(s) shall be provided written notice of the school's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and the student's parent(s)/guardian(s) personally, electronically, or by mail, and shall contain:
 - a. a complete statement of the facts;
 - b. a list of the witnesses and a description of their testimony;
 - c. the date, time, and place of hearing;
 - d. a copy of the Minnesota Pupil Fair Dismissal Act;
 - e. a description of alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and
 - f. information for the student and parent(s)/guardian(s) of their right to:
 - i. have a representative of the student's own choosing, including legal counsel at the hearing at the student's sole expense;
 - ii. examine the student's records before the hearing;
 - iii. present evidence; and
 - iv. confront and cross-examine witnesses.
4. The school shall advise the student's parent(s)/guardian(s) that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
5. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school, student, or parent(s)/guardian(s).
6. All hearings shall be held at a time and place reasonably convenient to the student or parent(s)/guardian(s) and shall be closed, unless the student or parent(s)/guardian(s) requests an open hearing.

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7. The school shall record the hearing proceedings at their own expense, and a party may obtain a transcript at its own expense.
8. The Board of Directors may appoint an attorney to represent the school in any proceeding.
9. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the Board of Directors. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
10. At a reasonable time prior to the hearing, the student, parent(s)/guardian(s), or authorized representative shall be given access to all school records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based. If the student designates a representative other than the parent(s)/guardian(s), the representative must have a written authorization from the student and the parent(s)/guardian(s) providing them with access to and/or copies of the student's records.
11. The student, parent(s)/guardian(s), or authorized representative, shall have the right to compel the presence of any school employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school.
12. The student, parent(s)/guardian(s), or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
13. The student cannot be compelled to testify in the dismissal proceedings.
14. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the Board of Directors and served upon the parties within two (2) days after the end of the hearing.
15. The Board of Directors shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The Board of Directors may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the Board of Directors must be based on the record, must be in writing, and must state the

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controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.

16. A party to an expulsion or exclusion decision made by the Board of Directors may appeal the decision to the Commissioner within twenty-one (21) calendar days of Board of Directors' action pursuant to Minn. Stat. § 121A.49. The decision of the Board of Directors shall be implemented during the appeal to the Commissioner.
17. The school shall report any suspension, expulsion, or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
18. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, an administrator shall inform the student and parent(s)/guardian(s) by mail of the student's right to attend and to be reinstated in the school.

11. Admission or Readmission Plan

An administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. Return from removal or suspension may also include a readmission plan.

The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission, and:

- A. May include measures to improve the student's behavior;
- B. May require parent(s)/guardian(s) involvement in the admission or readmission process;
- C. May indicate the consequences to the student of not improving the student's behavior;
- D. May not be used to extend the current suspension;
- E. Must not obligate parent(s)/guardian(s) to provide psychotropic drugs or sympathomimetic medication to their student as a condition of readmission; and
- F. Must not use the refusal of parent(s)/guardian(s) to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect.

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12. Notification of Policy Violations

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

The school must report, through the MDE electronic reporting system, each exclusion or expulsion and each physical assault of a school employee by a student within thirty (30) days of the effective date of the dismissal action or assault to the Commissioner. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status. The dismissal and other required disciplinary reports must include state student identification numbers of affected student(s).

13. Student Discipline Records

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

14. Students with Disabilities

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

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the student's IEP team and the student's parent(s)/guardian(s) shall, consistent with federal law, conduct a manifestation determination and determine whether the student's behavior was:

- A. Caused by or had a direct and substantial relationship to the student's disability; and
- B. Whether the student's conduct was a direct result of a failure to implement the student's IEP.

If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school will proceed with discipline, up to and including expulsion, as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject

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to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

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

15. Open Enrolled Students

The school may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program or Enrollment in Nonresident District at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy, and the student's case has been referred to juvenile court. The school may also terminate the enrollment of a nonresident student over the age of sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

16. Distribution of Policy

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

17. Review of Policy

Administration, representatives of parent(s)/guardian(s), students, and staff shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the Board of Directors, which shall conduct an annual review.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. §120B.02 (Educational Expectations for Minnesota Students)
- ✓ Minn. Stat. §120B.232 (Character Development Education)
- ✓ Minn. Stat. §121A.26 (School Preassessment Teams)

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- ✓ Minn. Stat. §121A.29 (Reporting; Chemical Abuse)
- ✓ Minn. Stat. §§121A.40-121A.56 (Pupil Fair Dismissal Act)
- ✓ Minn. Stat. §121A.575 (Alternatives to Pupil Suspension)
- ✓ Minn. Stat. §121A.582 (Reasonable Force)
- ✓ Minn. Stat. §§121A.60-121A.61 (Removal From Class)
- ✓ Minn. Stat. § 122A.42 (General Control of Schools)
- ✓ Minn. Stat. § 123A.05 (Area Learning Center Organization)
- ✓ Minn. Stat. §124D.03 (Enrollment Options Program)
- ✓ Minn. Stat. §124D.08 (Enrollment in Nonresident District)
- ✓ Minn. Stat. §25A (Students With Disabilities)
- ✓ Minn. Stat. §152.22 (Medical Cannabis; Definitions)
- ✓ Minn. Stat. §152.23 (Medical Cannabis; Limitations)
- ✓ Minn. Stat. Ch. 260A (Truancy)
- ✓ Minn. Stat. Ch. 260C (Juvenile Court Act)
- ✓ 20 U.S.C. §§1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
- ✓ 29 U.S.C. §794 et seq. (Rehabilitation Act of 1973, § 504)
- ✓ 34 C.F.R. §300.530(e)(1) (Manifestation Determination)

Cross References

- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 417 (Chemical Use and Abuse)
- ✓ SPCPA Policy 418 (Drug-Free Workplace/Drug-Free School)
- ✓ SPCPA Policy 419 (Tobacco-Free Environment)
- ✓ SPCPA Policy 501 (School Weapons)
- ✓ SPCPA Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
- ✓ SPCPA Policy 504 (Student Dress and Appearance)
- ✓ SPCPA Policy 512 (Attendance and Participation)
- ✓ SPCPA Policy 514 (Bullying Prohibition)
- ✓ SPCPA Policy 524 (Internet Acceptable Use and Safety)
- ✓ SPCPA Policy 525 (Violence Prevention)
- ✓ SPCPA Policy 526 (Hazing Prohibition)

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514 Bullying Prohibition

1. Purpose

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. The Saint Paul Conservatory for Performing Artists cannot always monitor the activities of students and eliminate all incidents of bullying among students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment and the rights and welfare of students and is within the control of the school in its normal operations, the school intends to prevent bullying and to take action to investigate, to respond, and to remediate and to discipline for acts of bullying. The purpose of this policy is to assist the Saint Paul Conservatory for Performing Artists in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behaviors.

2. General Statement of Policy

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school locations, on Saint Paul Conservatory for Performing Artists' property, at school functions or activities, on school transportation, or in locations designated to wait for school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the Saint Paul Conservatory for Performing Artists or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed at a school location with or without the use of Saint Paul Conservatory for Performing Artists' resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the Saint Paul Conservatory for Performing Artists shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.

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- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the Saint Paul Conservatory for Performing Artists' policies and procedures, including the Saint Paul Conservatory for Performing Artists' Discipline Policy.
 - 1. The Saint Paul Conservatory for Performing Artists may take into account the following factors:
 - a. The developmental ages and maturity levels of the parties involved;
 - b. The levels of harm, surrounding circumstances, and nature of the behavior;
 - c. Past incidences or past or continuing patterns of behavior;
 - d. The relationship between the parties involved; and
 - e. The context in which the alleged incidents occurred.
 - 2. Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
 - 3. 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. When it is determined that a Saint Paul Conservatory for Performing Artists' employee was aware prohibited conduct was taking place but failed to report it, the employee will be considered to have violated this policy. The superintendent shall consider employee discipline for such violations, ensuring any discipline be imposed according to the employee's employment agreement.
 - 4. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school locations and events.
- G. The Saint Paul Conservatory for Performing Artists will act to investigate all complaints of bullying reported to the school and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the Saint Paul Conservatory for Performing Artists who is found to have violated this policy.

3. Definitions

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

- A. **Bullying** means severe or pervasive physical or verbal acts or conduct that is intimidating, threatening, abusive, or harming, is objectively offensive and:

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1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
 3. has a substantially detrimental effect on the student's physical and/or mental health
 - a. The term "bullying" specifically includes cyberbullying as defined in this policy.
- B. Cyberbullying means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school locations, or on school computers, networks, forums, and mailing lists, or off school locations to the extent that it substantially and materially disrupts student learning or the school environment.
- C. Immediately means as soon as possible but in no event longer than 24 hours.
- D. Intimidating, threatening, abusive, or harming conduct means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
 4. Takes various forms, including without limitation, harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

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- E. **School location** includes any school building or on any school-affiliated premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school-sponsored or school-approved activity, event, or function where students are under the jurisdiction of the school; during any period of time when school employees are supervising students on behalf of the school or otherwise engaged in school business; or public, semi-public, and private transportation, locations, and spaces used to commute, park, or otherwise visit before or after the school day and during open periods of the school day.
- F. **Prohibited conduct** means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. **Remedial response** means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct. "Remedial response" also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.
- H. **Student** means a student enrolled at the Saint Paul Conservatory for Performing Artists.
- I. **Saint Paul Conservatory for Performing Artists' employee** includes members of the Board of Directors, administrators, educators, aids, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, maintenance staff, extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the Saint Paul Conservatory for Performing Artists and its students.

4. Reporting Procedure

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to a designated Saint Paul Conservatory for Performing Artists' official. A person may report bullying anonymously. However, the Saint Paul Conservatory for Performing Artists may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The Saint Paul Conservatory for Performing Artists encourages the reporting party or complainant to report in writing, but oral reports shall be considered complaints as well.

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- C. A principal, a principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct in a building. Any person may report bullying or other prohibited conduct directly to the superintendent of the Saint Paul Conservatory for Performing Artists. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent by the reporting party or complainant.
- D. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. Saint Paul Conservatory for Performing Artists' personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- F. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- G. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- H. The Saint Paul Conservatory for Performing Artists 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's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

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5. School Action

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the Saint Paul Conservatory for Performing Artists shall undertake or authorize an investigation by the building report taker or a third party designated by the Saint Paul Conservatory for Performing Artists. This will be completed within 10 days, unless the superintendent grants in writing an additional five-day extension due to extenuating circumstances.
- B. The building report taker or other appropriate school officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law. Every effort will be made to protect the confidentiality of those who report bullying incidents.
- C. The purpose of the investigation is to determine whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident, such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incident occurred.
- D. The investigator should identify the alleged actor(s), target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it. Individual interviews should be conducted in a private setting with the alleged actor and target, who may not be interviewed together or in public. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- E. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, the Saint Paul Conservatory for Performing Artists will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in this policy.
- G. Saint Paul Conservatory for Performing Artists' action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act applicable regulations, and applicable school policies.

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- H. If the investigator determines the reported incident may involve criminal activity or the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement authorities. The investigator may consult with either a peace officer or legal counsel. Law enforcement shall only be contacted if all other available remedies have been exhausted.
- I. The Saint Paul Conservatory for Performing Artists 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. School officials will notify the parent(s)/guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s)/guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- J. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.
- K. The individual and school-wide effects of the incident will be assessed as they relate to safety, and school staff will be assigned to create and implement a safety plan to prevent the recurrence of an incident that will restore a sense of safety for the target and other students who have been impacted.
- L. Any party who is not satisfied with the outcome of the investigation may appeal to the superintendent of the Saint Paul Conservatory for Performing Artists within 10 school days of notification of a decision. The superintendent will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse, or modify the findings of the report. The superintendent shall notify the party requesting the appeal and a principal that its decision is final and shall document that notification in the incident report.

6. Retaliation or Reprisal

The school will discipline any student, teacher, administrator, volunteer, contractor, or other employee of the school who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline

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the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in this policy.

7. Training and Education

- A. The Saint Paul Conservatory for Performing Artists shall discuss this policy with school personnel and volunteers and provide appropriate training to Saint Paul Conservatory for Performing Artists' personnel regarding this policy. The Saint Paul Conservatory for Performing Artists shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school. The Saint Paul Conservatory for Performing Artists or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The Saint Paul Conservatory for Performing Artists shall require ongoing professional development to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development may include, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying;
 - 5. Internet safety and cyberbullying; and
 - 6. A review of the Saint Paul Conservatory for Performing Artists' reporting requirements related to bullying and cyberbullying.
- C. The Saint Paul Conservatory for Performing Artists annually will provide education and information to students regarding bullying, including information regarding this school policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the Saint Paul Conservatory for Performing Artists is directed to implement initiatives to prevent bullying, to respond to bullying in a manner

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that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.

- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.
- F. The administration must establish strategies for creating a positive school climate.
- G. The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:
 - 1. Engage all students in creating a safe and supportive school environment;
 - 2. Partner with parents and other community members to develop and implement prevention and intervention programs;
 - 3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
 - 4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
 - 5. Teach students to advocate for themselves and others;
 - 6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
 - 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- H. The Saint Paul Conservatory for Performing Artists may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- I. The Saint Paul Conservatory for Performing Artists shall inform affected students and their parent(s)/guardian(s) of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The Saint Paul Conservatory for Performing Artists may accomplish this requirement by inclusion of all or applicable parts of its Protection and Privacy of Pupil Records Policy.

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8. Notice

- A. The Saint Paul Conservatory for Performing Artists will give annual notice of this policy to students, parent(s)/guardian(s), and staff, and this policy shall appear in the student handbook.
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the Saint Paul Conservatory for Performing Artists and in the main office of each building.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the Saint Paul Conservatory for Performing Artists.
- D. Notice of the rights and responsibilities of students and their parent(s)/guardian(s) under this policy must be included in the Discipline Policy distributed to parent(s)/guardian(s) at the beginning of each school year.
- E. This policy shall be available to all parent(s)/guardian(s) and other school community members in an electronic format in the language appearing on the Saint Paul Conservatory for Performing Artists' website.
- F. The Saint Paul Conservatory for Performing Artists shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

9. Policy Review

To the extent practicable, the Board of Directors shall, on a cycle consistent with other Saint Paul Conservatory for Performing Artists' policies, review and revise this policy. The policy shall be made consistent with state and federal law.

Legal References

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

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Cross References

- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)

Appendix F: Policy 522: Student Sex Nondiscrimination



Adopted
Last Reviewed

08.2005
09.2021

522 Student Sex Nondiscrimination

1. Purpose

Students are protected from discrimination on the basis of sex, sexual orientation, and gender identity pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex, sexual orientation, and gender identity.

2. General Statement of Policy

- A. The Saint Paul Conservatory for Performing Artists provides equal educational opportunity for all students and does not unlawfully discriminate on the basis of sex, sexual orientation, and gender identity. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the Saint Paul Conservatory for Performing Artists on the basis of sex, sexual orientation, and gender identity. It is the policy of Saint Paul Conservatory for Performing Artists to ensure all students, regardless of sex, are treated similarly in regard to recruitment, admissions, counseling; financial assistance, extra-curricular activities, treatment of pregnant and parenting students, discipline, employment, and all other activities, services, and opportunities available through or provided by SPCPA.
- B. It is the responsibility of every Saint Paul Conservatory for Performing Artists employee to comply with this policy and promptly respond to complaints upon gaining actual knowledge of sexual harassment or other discrimination.
- C. The Board of Directors hereby designates the Dean of Students, **Alissa Abelson, 16 W 5th Street, Suite 244, St. Paul, MN 55102, 651-290-2225, abelsona@spcpa.org**, as its Title IX coordinator and human rights officer. This employee coordinates the efforts of Saint Paul Conservatory for Performing Artists to comply with and carry out its responsibilities under Title IX.
- D. The alternate Title IX coordinator is the superintendent, **Callie Jacobs, 16 W 5th Street, Suite 244, St. Paul, MN 55102, 651-290-2225, jacobsc@spcpa.org**, and acts as coordinator for each complaint where the Title IX coordinator is unable to fill their role due to conflict of interest or other documented reason.
- E. If both the Title IX coordinator and alternate Title IX coordinator are unable to fill their roles due to conflict of interest or other documented reasons, the Chair of the Board of Directors will act as coordinator.

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- F. Anyone having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education.

3. Definitions

- A. **Actual Knowledge** means notice of sexual harassment or allegations of harassment to the Title IX coordinator or other school employee, unless that individual is also the respondent.
- B. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- C. **Education program or activity** includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.
- D. **Formal Complaint** means document filing by a complainant or the Title IX Coordinator alleging sexual harassment against a respondent and requesting investigation or the allegations. The complaint must state that when it is filed, the complainant was participating in or attempting to participate in the school's education program or activities and must be signed physically or digitally by the complainant to indicate submission to the Title IX coordinator by the complainant either electronically by email or physically in person or by mail. If not signed by the complainant, the Title IX coordinator may sign the formal complaint to initiate the investigation over the wishes of the complainant if doing so is not clearly unreasonable in light of the known circumstances.
- E. **Party** refers interchangeably to a complainant or respondent.
- F. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- G. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
1. A school employee conditioning the provision of an aid, benefit, or service of school on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
 3. Sexual assault, dating violence, domestic violence, or stalking as defined below.
 - a. **Sexual assault** means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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- b. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether such a relationship exists depends on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - c. **Domestic violence** means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - d. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.
- H. **Sufficient time to prepare**, unless otherwise stated, means 7 calendar days.
- I. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The school must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

4. Title IX Roles

Several individuals are involved in addressing, working on, assisting with, or adjudicating the school's response to reports and complaints. These personnel have distinct roles and must avoid conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent in resolving a complaint. Individuals must be qualified for the role they serve and meet necessary training requirements detailed in this policy, state, and federal rules and statutes.

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- A. **Title IX Coordinator** or designated alternate is the school employee tasked with coordinating the efforts to comply and carry out responsibilities under Title IX. The coordinator is the primary contact for parties and ensures notice, evidentiary procedures, reports, and written determinations are conducted and disseminated appropriately. The coordinator is also the designee for implementing supportive measures and remedies and must be free from conflicts of interest in process administration. The acting coordinator for a complaint may not be a decision-maker.
- B. **Investigator** is the person tasked with gathering and reviewing evidence in response to the formal complaint. This individual may not be both a decision-maker and an investigator on any complaint and may be a school employee or designated third-party.
- C. **Decision-maker** is either the original person making the determination regarding responsibility after a concluded investigation or the separate appellate reviewer considering and deciding appeals of determinations or dismissals of formal complaints. To avoid conflicts, decision-makers must not have served in other coordinating, investigative, or original decision-making roles on complaints or appeals they decide. School employees or a designated third-party may serve as decision-maker.
- D. **Informal Resolution Facilitator** is the person tasked with bringing the parties to a mediated voluntary agreement on remedies and supportive measures that is not contingent upon the waiver of rights detailed in this policy. The facilitator may be engaged at any point after the formal complaint is filed given proper written notice to the parties and voluntary written consent from both parties to participate in the informal resolution process. This individual may be a school employee or designated third-party but may not apply informal resolution process to resolve sexual harassment from a school employee to a student.
- E. Qualified individuals must have received training that does not rely on sex stereotypes and promotes impartial investigations and adjudications of formal complaints of sexual harassment. This training will include:
 - 1. the definition of sexual harassment,
 - 2. the scope of the school's education program or activity,
 - 3. how to investigate and grievance process including:
 - a. hearings, appeals, and information resolution processes,
 - b. how to serve impartially,
 - c. avoiding prejudgment of the facts at issue,
 - d. conflicts of interest, and bias.
 - 4. technology to be used at a live hearing, as required

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5. how to determine and fairly summarize issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
- F. The Title IX Coordinator shall receive training regarding the requirements of a formal complaint, the required contents of the notice of allegations, and the steps of the grievance process.
- G. The Investigator(s) and Decision-Maker(s) have been trained on what constitutes relevant evidence, for purposes of the investigation report and/or advisor questioning of the other party.

5. Formal Grievance Process

The school's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex, sexual orientation, and/or gender identity under Title IX. To support this formal process, the school will adhere to the process components described in this section.

- A. Treat complainants and respondents equitably. However, supportive measures provided to complainants and respondents need not be equitable. Equity is achieved by:
 1. following a grievance process that complies with this section before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent; and
 2. Providing remedies to a complainant once a determination of responsibility for sexual harassment has been made against the respondent. Remedies are actions designed to restore or preserve equal access to the school's education programs or activities and:
 - a. may be individualized services including supportive measures;
 - b. may be disciplinary or punitive;
 - c. do not need to avoid burdening the respondent.
- B. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the school and not on the parties. The school must perform an objective evaluation of all relevant evidence:
 - a. whether inculpatory or exculpatory
 - b. make credibility determinations independent of status as a complainant, respondent, or witness.
 - c. If confidential or privileged records are needed, the school must obtain that party's voluntary, written consent to do so for a grievance process. Otherwise, the school may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist,

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psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party.

C. Rights of respondents and complainants:

1. The respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
2. Parties will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
3. Respondents and complainants will not be restricted the ability to discuss the allegations under investigation or to gather and present relevant evidence.
4. The parties will be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
5. Parties whose participation is invited or expected will be provided with written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
6. Parties will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the school must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to the completion of the investigative report. The school must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
7. Parties will receive an investigative report regarding responsibility, sent to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response.

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8. The school will make a reasonable effort to complete the grievance process in a prompt manner. This includes:
 - a. Undertaking or authorizing an investigation within three (3) days of the receipt of a report, complaint, or grievance alleging unlawful sex discrimination toward a student.
 - b. Creating an investigative report that fairly summarizes relevant evidence at least 10 days prior to a hearing (if a hearing is required).
 - c. Completing the investigation within ten (10) school days.
 - i. The school may temporarily delay or extend the grievance process for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
 - ii. Sanctions and remedies consistent with related disciplinary policy for staff may include consequences up to termination following any determination of responsibility. Student sanctions and remedies, if appropriate, will be consistent with the student handbook, school policies, and state law.
 - iii. For all formal complaints whether student or staff respondents, the school will determine responsibility based upon a preponderance of evidence.
 - iv. Maintain information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

6. Reporting Grievance Procedures

- A. Students believed to be victims of unlawful sex discrimination by a teacher, administrator, or other school personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an administrator designated by this policy or may file a grievance. These complaints may not be subject to informal resolution.
- B. The school encourages the reporting party or complainant to use the report form available from the principal or the main office, but oral reports shall be considered valid complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to the Title IX coordinator, or the Chair of the Board of Directors if the Title IX coordinator is party to the complaint.

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- C. The principal is responsible for receiving oral or written reports or grievances of unlawful sex discrimination or harassment toward a student. School personnel who receive a report of sex discrimination toward a student shall inform the principal immediately. The principal may request but may not insist upon a written complaint.
- D. Upon receipt of a report or grievance, the principal must notify the Title IX coordinator immediately, without screening or investigating the report. A written statement of the facts alleged will be forwarded to the Title IX coordinator or if the report was given verbally, the principal shall personally transfer it to written form within 24 hours and forward it to the Title IX coordinator. Failure to forward any report or complaint of unlawful sex discrimination toward a student may result in disciplinary action as an act of unlawful sex discrimination.
- E. If the complaint involves the principal, the complaint shall be made or filed directly with the Title IX coordinator. If the complaint involves the Title IX coordinator, the complaint shall be filed directly with the Chair of the Board of Directors.
- F. The identity of complainant, reporter, and/or respondent will be treated as confidential information, except as permitted by law. Privacy of the complainant, respondent, and any witnesses will be maintained as much as possible and consistent with legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.
- G. In addition, SPCPA may take immediate steps to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- H. Submission of a good faith complaint, grievance, or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.

7. Formal Complaint Resolution Process

- A. Within three (3) days of the receipt of a report, complaint, or grievance alleging unlawful sex discrimination toward a student, the Title IX coordinator shall undertake or authorize an investigation. The investigation may be conducted by school officials or by a third-party designee.
- B. **Notification.** Upon receipt of a formal complaint, the school must provide the following written notice to the parties who are known:
 - 1. The school's grievance process, including any informal resolution.
 - 2. The allegations of sexual harassment, including sufficient details currently known and with sufficient time to prepare a response before any initial interview:
 - a. the identities of the parties involved in the incident
 - b. the conduct allegedly constituting sexual harassment

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- c. the date and location of the alleged incident.
 - 3. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
 - 4. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
 - 5. inform the parties of any provision in the school's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
 - 6. If, in the course of an investigation, additional allegations about the complainant or respondent that are not included in the notice are added to the investigation, the school must provide notice of the additional allegations to the known parties.
- C. **Dismissal of a Formal Complaint.** The school must investigate the allegations in a formal complaint for the purposes of discrimination under Title IX.
- 1. The formal complaint under Title IX must be dismissed under the following conditions, but such a dismissal does not preclude other action under the school's code of conduct for the alleged behavior:
 - a. if the conduct would not constitute sexual harassment even if proved,
 - b. if the conduct did not occur in the school's education program or activity, or
 - c. if the conduct did not occur against a person in the United States.
 - 2. The school may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
 - a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. the respondent is no longer enrolled or employed by the school; or
 - c. specific circumstances prevent the school from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
 - 3. Upon a dismissal required or permitted in this policy, the school must promptly send written notice of the dismissal and reason(s) simultaneously to the parties.
- D. **Consolidation of Formal Complaints.**
- The school may consolidate formal complaints of allegations of sexual harassment against more than one respondent or complainant where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or respondent, references in this

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policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

E. Responding to the completed investigation report.

Upon completion of the investigation report, a copy will be provided to the decision-maker. Copies shall also be provided to the complainant and respondent simultaneously. The parties, and their respective advisors, will be given the opportunity to respond to the investigation report in writing. Any such response must be delivered to the decision-maker within ten (10) calendar days from the day that the investigation report is provided to the parties.

F. Hearings.

The school may provide a hearing. With or without a hearing, after the school has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) must:

1. afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness,
2. provide each party with the answers, and allow for additional, limited follow-up questions from each party.
3. Decide on relevance of questions and evidence. This includes questions or evidence irrelevant under the rape shield protections for complainants, where issues of the complainant’s sexual predisposition or prior sexual behavior:
 - a. would not be relevant unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged, or
 - b. concerning specific incidents of prior sexual behavior with respect to the respondent offered to prove consent.
4. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

G. Determination on Formal Complaints.

1. The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the school must apply the preponderance of evidence standard.
2. The written determination must include:
 - a. Identification of the allegations potentially constituting sexual harassment;
 - b. 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, methods used to gather other evidence, and hearings held;

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- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the school's code of conduct to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided by the school to the complainant; and
- f. The school's procedures and permissible bases for the complainant and respondent to appeal.
 - i. The school must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the school 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.
 - ii. The Title IX Coordinator is responsible for effective implementation of any remedies.

H. Length of Investigation.

The school, to the best of its ability, will complete the investigation within ten (10) school days. The school will notify the parties involved in writing, which includes email, if the investigation will not be completed within the designated timeframe. The investigator(s) shall make a written report upon completion of the investigation. If the complaint involves the Title IX coordinator, the report may be filed directly with the Chair of the Board of Directors. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

8. Emergency Removals

- A. The school will not suspend, expel, exclude, or otherwise remove a respondent while an investigation is pending under the grievance process.
- B. If, after undertaking an individualized safety and risk analysis, the school determines that the respondent poses an immediate threat arising from the allegations of sexual harassment to the physical health or safety of any student or other individual, including the respondent themselves, the respondent may be removed on an emergency basis.
- C. A respondent who is removed on an emergency basis must be notified of the school's decision and provided with an opportunity to challenge the decision immediately following removal. The respondent shall bear the burden of proving that the removal decision was incorrect.

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- D. The school retains the right to suspend, exclude, expel, or otherwise remove a student for any reason other than a pending sexual harassment investigation.
- E. The school may place a non-student employee who is accused of sexual harassment on administrative leave pending the completion of this grievance process.

9. Appeals

- A. The school must offer both parties an appeal from a determination regarding responsibility, and from the school's dismissal of a formal complaint or any allegations therein, on the following bases:
 - 1. Procedural irregularity that affected the outcome of the matter;
 - 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(s), or decision-maker(s) 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. The school may offer an appeal equally to both parties on additional bases.
- C. For all appeals, the school must:
 - 1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 - 2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
 - 3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
 - 4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - 5. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - 6. Provide the written decision simultaneously to both parties.

10. Informal Complaint Resolution Process

The school may not require a waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy as a condition of any right. Similarly, the school may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to

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reaching a determination regarding responsibility the school may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the school:

- A. Provides to the parties a written notice disclosing:
 - 1. the allegations;
 - 2. 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, provided, however, that 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;
 - 3. the right to withdraw before a resolution is reached; and
 - 4. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- B. Obtains the parties' voluntary, written consent to the informal resolution process; and
- C. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

11. Recordkeeping

- A. The school must maintain for a period of seven (7) years records of:
 - 1. Each sexual harassment investigation including:
 - a. any determination regarding responsibility,
 - b. any audio or audiovisual recording or transcript,
 - c. any disciplinary sanctions imposed on the respondent,
 - d. any remedies provided to the complainant designed to restore or preserve equal access to the school's education program or activity;
 - 2. Any appeal and the result;
 - 3. Any informal resolution and the result; and
 - 4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The school must make these training materials publicly available on its website, or if the school does not maintain a website the school must make these materials available upon request for inspection by members of the public.
- B. For each response, the school must create, and maintain for a period of seven (7) 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

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must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the school's education program or activity. If the school does not provide a complainant with supportive measures, then the school must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the school in the future from providing additional explanations or detailing additional measures taken.

12. School Action

- A. Upon conclusion of the investigation and receipt of a report, the Saint Paul Conservatory for Performing Artists will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Saint Paul Conservatory for Performing Artists action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school policies.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by in accordance with state and federal law regarding data or records privacy.

13. Reprisal

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Interference with the complaint process, or any right or privilege secured by Title IX constitutes retaliation for the purposes of this policy. It is not retaliation to exercise rights under the First Amendment, nor is it retaliation to charge individuals with code of conduct violations who make materially false statements in bad faith. Such determination of bad faith must not solely rest on the complaint process determination of responsibility. The school will discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who retaliates against:

- A. any person who reports alleged unlawful sex discrimination toward a student or any person who testifies,
- B. assists or participates in an investigation, or refuses to participate in any manner or an investigation,
- C. or who testifies, assists, or participates, or refuses to participate in any manner in a proceeding or hearing relating to such unlawful sex discrimination.

14. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human

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Rights, initiating civil action, seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

15. Dissemination of Policy and Evaluation

- A. This policy shall be made available to all students, parent(s)/guardian(s) of students, staff members, employee unions, and the public at-large and conspicuously posted on the school website.
- B. The school shall conspicuously post the name of the Title IX coordinator and human rights officer, including office mailing address, telephone number, and email address on the website.
- C. The school will post any materials used to train Title IX personnel on the website, or otherwise make materials available for the public to inspect.
- D. The school shall review this policy and its operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References

- ✓ Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
- ✓ Minn. Stat. § 121A.40 – 56 (Pupil Fair Dismissal Act)
- ✓ Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- ✓ 20 U.S.C. § 1092(f) (Clery Act)
- ✓ 20 U.S.C. §§ 1681–1688 (Title IX of the Education Amendments of 1972)
- ✓ 34 U.S.C. § 12291(a) (Violence Against Women Act)
- ✓ 34 C.F.R. Part 106 (Implementing Regulations of Title IX)
- ✓ *Davis v. Monroe County Bd. Of Ed.*, 526 U.S. 629 (1999)
- ✓ *Bostock v. Clayton County*, 590 U.S. ____ (2020)

Cross References

- ✓ SPCPA Policy 102 (Equal Educational Opportunity)
- ✓ SPCPA Policy 103 (Complaints- Students, Employees, Parents, Other Persons)
- ✓ SPCPA Policy 401 (Equal Employment Opportunity)
- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 506 (Student Discipline)

Roles

- ✓ Title IX Coordinator/Human Rights Officer: Dean of Students
- ✓ Alternate Title IX Coordinator: Superintendent
- ✓ Report Taker: Principal

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Appendix

Title IX Coordinator/Human Rights Officer

Alissa Abelson, Dean of Students
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Alternate Title IX Coordinator

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Building Report Taker

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