

100 Mission Statement

1. Purpose

The purpose of this policy is to establish a clear statement of the purpose for which the Saint Paul Conservatory for Performing Artists exists.

2. General Statement of Policy

The Saint Paul Conservatory for Performing Artists Board of Directors believes that a mission statement should be adopted. The mission statement should be based on the beliefs and values of the community, direct any change effort, and be the basis on which decisions are made. The Board of Directors, on behalf of and with extensive participation by the community, should develop a consensus among its members regarding the nature of the enterprise it governs, the purposes it serves, the constituencies it should consider, including student representation, and the results it intends to produce.

3. Mission Statement

The mission of Saint Paul Conservatory for Performing Artists is to provide the highest caliber academic and artistic education for aspiring pre-professional artists to fully prepare them for college and conservatory.

4. Review

The Board of Directors will review the school's mission every three years. The Board of Directors will conduct a comprehensive review of the mission and strategic planning process, including the beliefs and values of the community, every five to seven years.

Legal References

- ✓ Minn. Stat. § 120B.11
- ✓ Minn. Rule Parts 3501.0010-3501.0180
- ✓ Minn. Rule Parts 3501.0200-3501.0270

102 Equal Educational Opportunity

1. Purpose

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the Saint Paul Conservatory for Performing Artists.

2. General Statement of Policy

- A. The Saint Paul Conservatory for Performing Artists provides equal educational opportunity for all students. The Saint Paul Conservatory for Performing Artists does not unlawfully discriminate on the basis of race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, marital status, familial status, status with regard to public assistance, disability, sexual orientation, or age. The Saint Paul Conservatory for Performing Artists also makes reasonable accommodations for students with disabilities.
- B. The Saint Paul Conservatory for Performing Artists prohibits the harassment of any individual.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. Every Saint Paul Conservatory for Performing Artists employee shall be responsible for complying with this policy.
- E. Any student, parent, or guardian having questions regarding this policy should discuss it with the superintendent.

Legal References

- ✓ Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
- ✓ Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- ✓ 20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972)
- ✓ 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

Cross References

- ✓ SPCPA Policy 402 (Disability Nondiscrimination)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 521 (Student Disability Nondiscrimination)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)

103 Complaints – Students, Employees, Parents, Other Persons

1. Purpose

The Saint Paul Conservatory for Performing Artists takes seriously all concerns or complaints by students, employees, parent(s)/guardian(s), or other persons. If a specific complaint procedure is provided within any other policy of the school, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

2. General Statement of Policy

Students, parents, guardians, employees, or other persons may report concerns or complaints to the school. Depending upon the nature and seriousness of the complaint, the supervisor receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures.

3. General Complaints

- A. The Board of Directors encourages legitimate concerns and complaints be reported to the school. While written reports are encouraged, a complaint may be made orally. Employees receiving a complaint shall advise their supervisor of the receipt of the complaint. The supervisor shall make an initial determination on the seriousness of the complaint and whether the matter should be referred to the superintendent. Persons are always encouraged to follow the school's organizational structure and file a complaint at the supervisor or superintendent level, when appropriate. A complaint regarding the superintendent should be filed with the Chair of the Board of Directors. However, a person may file a complaint at any level of the school (e.g., supervisor, superintendent, or Board of Directors).
- B. If the complaint involves serious allegations, the matter shall promptly be referred to the superintendent who shall determine whether an internal or external investigation should be conducted. In either case, the superintendent shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the superintendent concerning the status or outcome of the matter.

- C. The supervisor or superintendent, as appropriate, shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other data and privacy laws. The superintendent shall be copied on the correspondence and consulted in advance of any written response.

4. Additional Complaint Procedures

Certain reports, such as alleged Title IX violations, may involve different procedures than are outlined in this policy. If complaint procedures in other policies contradict procedures in this policy, the other policy will prevail.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 406 (Public and Private Personnel Data)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 514 (Bullying Prohibition)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)
- ✓ SPCPA Policy 616 (School System Accountability)

104 Mission Statement

1. Purpose

The purpose of this policy is to establish the purpose for which the Saint Paul Conservatory for Performing Artists exists.

2. General Statement of Policy

The Saint Paul Conservatory for Performing Artists Board of Directors believes that a mission statement should be adopted. The mission statement should be based on the beliefs and values of the community, direct any change effort, and be the basis on which decisions are made. The board, on behalf of and with extensive participation by the community, should develop a consensus among its members regarding the nature of the enterprise the board governs, the purposes it serves, the constituencies it should consider, including student representation, and the results it intends to produce.

3. Mission Statement

The mission of Saint Paul Conservatory for Performing Artists is to provide the highest caliber of academic and artistic education for aspiring pre-professional artists in performance of instrumental and vocal music, theatre, and dance, or visual arts to fully prepare students for college and conservatory.

4. Review

The board will review the school district's mission every two years. The board will conduct a comprehensive review of the mission, including the beliefs and values of the community, every five to seven years.

Legal References

- ✓ Minn. Stat. § 120B.11 (World's Best Workforce)
- ✓ Minn. Stat. § 124E.07 (Board of Directors)

201 Legal Status of The Board of Directors

1. Purpose

The care, management, and control of the Saint Paul Conservatory for Performing Artists is vested by statutory authority in the Board of Directors. The Board of Directors shall carry out the mission of the school with diligence, prudence, and dedication of providing the highest caliber of public education. The purpose of this policy is to define the authority, duties, and powers of the Board of Directors in carrying out its mission.

2. General Statement of Policy

- A. The Board of Directors is the governing body of the Saint Paul Conservatory for Performing Artists. As such, the Board of Directors has responsibility for the care, management, and control over the school.
- B. Generally, elected members of the Board of Directors have binding authority only when acting as a board legally in session, except where specific authority is provided to board members or officers individually. Generally, the Board of Directors is not bound by an action or statement on the part of an individual board member unless the action is specifically directed or authorized by the Board of Directors.

3. Organization and Membership

- A. The membership of the Board of Directors is as provided by the bylaws. Directors are seated according to the school's bylaws. The term of office is three years and renewable.
- B. There may be other ex-officio members of the Board of Directors as provided by the bylaws. The superintendent is an ex-officio member.
- C. A majority of voting members constitutes a quorum. The act of a majority of a quorum is an action of the Board of Directors.

4. Powers and Duties

- A. The Board of Directors has powers and duties specified by statute. The Board of Directors' authority includes implied powers in addition to specific powers granted by the legislature.

- B. The Board of Directors exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The Board of Directors shall oversee the school; adopt rules for its organization, government, and instruction; and authorize contracts.
- D. The Board of Directors shall have the general charge of the business of the school, its facilities and property, and of the interest of the school.
- E. The Board of Directors, among other duties, shall perform the following in accordance with applicable law:
 - 1. conduct the business of the school and pay indebtedness and proper expenses;
 - 2. employ necessary qualified teachers and discharge the same for reason or cause;
 - 3. promote the health of its pupils;
 - 4. provide school buildings;
 - 5. purchase, sell, and exchange the school's property and equipment as deemed necessary by the Board of Directors for school purposes;
 - 6. provide for payment of claims against the school, and prosecute and defend actions by or against the school, in all proper cases;
 - 7. employ and discharge necessary employees and contract for other services;
 - 8. provide for transportation of pupils to and from school, as governed by statute and board policy; and
 - 9. procure insurance against liability of the school, its officers, and employees.
- F. The Board of Directors, at its discretion, may perform the following:
 - 1. furnish school lunches for pupils and teachers on such terms as the board determines;
 - 2. enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
 - 3. lease rooms or buildings for school purposes;
 - 4. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
 - 5. authorize co-curricular and extracurricular activities;
 - 6. receive, for the benefit of the school, bequests, donations, or gifts for any proper purpose; and
 - 7. perform other acts as the board shall deem to be reasonably necessary or required for the governance of the school.

Legal References

- ✓ Minn. Stat. § 123B.49 (Co-Curricular and Extracurricular Activities; Insurance)
- ✓ Minn. Stat. § 123B.51 (School Sites; Access for Noncurricular Purposes)
- ✓ Minn. Stat. § 124E (Charter Schools)
- ✓ Jensen v. Indep. Consol. Sch. Dist. No. 85, 160 Minn. 233, 199 N.W. 911 (1924)

Cross References

- ✓ SPCPA Policy 202 (School Board Officers)
- ✓ SPCPA Policy 203 (Operation of the School Board - Governing Rules)
- ✓ SPCPA Policy 205 (Open Meetings and Closed Meetings)

202 Open Meetings and Closed Meetings

1. Purpose

- A. The Board of Directors embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The Board of Directors shall conduct its business under a presumption of openness. At the same time, the Board of Directors recognizes and respects the privacy rights of individuals as provided by law. The Board of Directors also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the Board of Directors.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at Board of Directors' meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

2. General Statement of Policy

- A. Except as otherwise expressly provided by statute, all meetings of the Board of Directors, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

3. Definitions

Meeting means a gathering of at least a quorum or more members of the Board of Directors, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the Board of Directors. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include e-mail.

4. Procedures

- A. Meetings

1. Regular Meetings

A schedule of the regular meetings of the Board of Directors shall be kept on file at its primary office. If the Board of Directors decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.

2. Special Meetings

- a. For a special meeting, the Board of Directors shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school. The Board of Directors' actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- c. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the Board of Directors may publish the notice once, at least three days before the meeting, in an official publication of the school district.
- d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the Board of Directors is required to send notice to that person only concerning those particular subjects.
- e. The Board of Directors will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the Board of Directors shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the Board of Directors, require immediate consideration.
- b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- c. The Board of Directors shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the Board of Directors.

- e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- f. Notice shall include the subject of the meeting.
- g. Posted or published notice of an emergency meeting shall not be required.
- h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the Board of Directors at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Health Pandemic or Declared Emergency

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

The school will post a notice that includes the date, time, and electronic medium that the meeting will be conducted at least three (3) days prior to the meeting. The school must also include instructions to the public that explain how to join the meeting.

B. Votes

The votes of Board of Directors members shall be taken by roll call. Individual votes will be recorded in a journal that is separate and distinct from meeting minutes, and the journal shall be available to the public during all normal business hours at the administrative offices of the school.

C. Written Materials

- 1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items prepared or distributed by the Board of Directors or its employees and distributed to or available to all school

board members shall be available in the meeting room for inspection by the public while the Board of Directors considers their subject matter.

2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

1. Meetings may not be closed merely because the data to be discussed are not public data.
2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the Board of Directors' authority and is reasonably necessary to conduct the business or agenda item before the Board of Directors.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The Board of Directors may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
- b. The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the Board of Directors for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation sessions, and hearings between the Board of Directors and its employees or their respective representatives are public meetings. These meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Charges

The Board of Directors shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the Board of Directors members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations,

further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The Board of Directors may close a meeting to evaluate the performance of an individual who is subject to its authority. The Board of Directors shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the Board of Directors shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the Board of Directors needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the Board of Directors and is closed, the closed meeting must be electronically recorded at the expense of the school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Meetings to Discuss Certain Not Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

- a. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
- b. active investigative data collected or created by a law enforcement agency;
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data; or
- d. an individual's personal medical records.
- e. A closed meeting must be electronically recorded at the expense of the school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Purchase and Sale of Property

- a. The Board of Directors may close a meeting:
 - i. to determine the asking price for real or personal property to be sold by the school;
 - ii. to review confidential or nonpublic appraisal data; and
 - iii. to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- b. Before closing the meeting, the Board of Directors must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the Board of Directors has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the Board of Directors at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

9. Security Matters

- a. The Board of Directors may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if

disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.

- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the Board of Directors must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school and the recording must be preserved for at least four years.

10. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The Board of Directors shall provide notice of a closed meeting just as for an open meeting. A meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the Board of Directors shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. Ch. 13D (Open Meeting Law)
- ✓ Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)
- ✓ Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)
- ✓ Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)
- ✓ Minn. Rules Part 5510.2810 (Bureau of Mediation Services)
- ✓ *Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)
- ✓ *Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)
- ✓ *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)
- ✓ *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)
- ✓ *Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)
- ✓ *Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)
- ✓ *Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)
- ✓ *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), rev. denied. (Minn. 1993)
- ✓ Dept. of Admin. Advisory Op. No. 21-001 (January 3, 2021)
- ✓ Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)
- ✓ Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)
- ✓ Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)

- ✓ Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)
- ✓ Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)
- ✓ Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)
- ✓ Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

Cross References

- ✓ Bylaws of SPCPA, Article II (Meetings of Board of Directors)

203 Development, Adoption, and Implementation of Policies

1. Purpose

The purpose of this policy is to emphasize the importance of the policy-making role of the Saint Paul Conservatory for Performing Artists Board of Directors and provide the means for it to continue to be an ongoing effort.

2. General Statement of Policy

Formal guidelines are necessary to ensure the school community that the school responds to its mission and operates in an effective, efficient, and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the Board of Directors and should be in a form which is sufficiently explicit to guide administrative action.

3. Development of Policy

- A. The Board of Directors has jurisdiction to legislate policy for the school with the force and effect of law. Board policy provides the general direction as to what the Board of Directors wishes to accomplish while delegating implementation of policy to the administration.
- B. The Board of Directors' written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The Board of Directors shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a member of the Board of Directors, employee, student, or patron of the school. Proposed policies or ideas shall be submitted to the superintendent for review prior to possible placement on the agenda.

4. Adoption of Policy

- A. The Board of Directors shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final board action.

- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the Board of Directors at a subsequent meeting after the meetings at which initial public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed and the policy is reaffirmed. The Board of Directors shall have discretion to determine what constitutes an emergency situation.
- D. If a policy is modified because of a legal change over which the Board of Directors has no control, the modified policy may be approved at one meeting at the discretion of the Board of Directors.

5. Implementation of Policy

- A. The superintendent shall be responsible for implementing Board of Directors' policies, other than the policies that cover how the Board of Directors will operate. The superintendent shall develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review by the Board of Directors.
- B. Each member of the Board of Directors shall have access to this policy manual, and a copy shall be placed in the main office of the school. Manuals shall be made available for reference purposes to other interested persons.
- C. It shall be the responsibility of the superintendent, employees designated by the superintendent, and individual members of the Board of Directors to keep the policy manuals current.
- D. The Board of Directors shall review policies at least once every three years. The superintendent shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually. In addition, the Board of Directors shall review the following policies annually: Family and Medical Leave Policy; Harassment and Violence; Mandated Reporting of Child Maltreatment; Mandated Reporting of Maltreatment of Vulnerable Adults; Student Discipline; Bullying Prohibition Policy; Student Sex Nondiscrimination; Internet Acceptable Use and Safety Policy, School Accountability; and Crisis Management Policy.
- E. When there is no Board of Directors' policy to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school.

Legal References

- ✓ Minn. Stat. § 124E.03 (Applicable Law)

Cross References

- ✓ Bylaws of SPCPA, Article I (Board of Directors)
- ✓ Bylaws of SPCPA, Article IV (Officers)
- ✓ SPCPA Policy 410 (Family and Medical Leave)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 414 (Mandated Reporting of Child Maltreatment)
- ✓ SPCPA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 514 (Bullying Prohibition)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)
- ✓ SPCPA Policy 514 (Internet Acceptable Use and Safety)
- ✓ SPCPA Policy 616 (School District System Accountability)
- ✓ SPCPA Policy 806 (Crisis Management)

203 Operation of The Board of Directors – Governing Rules

1. Purpose

The purpose of this policy is to provide governing rules for the conduct of meetings of the Saint Paul Conservatory for Performing Artists Board of Directors.

2. General Statement of Policy

An orderly Board of Directors meeting allows board members to participate in discussion and decision of school issues. Rules of order allow board members the opportunity to review school-related topics, discuss school business items, and bring matters to conclusion in a timely and consistent manner.

3. Rules of Order

Rules of order for board meetings shall be as follows:

- A. Minnesota statutes where specified;
- B. Specific rules of order as provided by the board consistent with Minnesota statutes; and
- C. *Robert's Rules of Order, Revised* (latest edition) where not inconsistent with A. and B. above.

Legal References

- ✓ Minn. Stat. Ch. 13D (Open Meeting Law)
- ✓ Minn. Stat. § 123E.07 (Board of Directors)

204 Code of Ethics – Board of Directors

1. Purpose

The purpose of this policy is to assist members of the Board of Directors in understanding his or her role and in recognizing the contribution that each member must make to develop an effective and responsible Board of Directors.

2. General Statement of Policy

Each member of the Board of Directors shall follow the code of ethics stated in this policy.

- A. As a member of the Board of Directors, I will:
 - 1. Attend meetings of the Board of Directors.
 - 2. Come to the meetings prepared for discussion of the agenda items.
 - 3. Listen to the opinions and views of others (including, but not limited to, other board members, administration, staff, students, and community members).
 - 4. Vote my conscience after informed discussion unless I abstain because a conflict of interest exists.
 - 5. Support the decision of the Board of Directors, even if my position concerning the issue was different.
 - 6. Recognize the integrity of my predecessors and associates and appreciate their work.
 - 7. Be primarily motivated by a desire to provide the best possible education for the students of the school.
 - 8. Inform myself about the proper duties and functions of a Board of Directors' member.
- B. To maintain proper school functions, I will:
 - 1. Focus on education policy as much as possible.
 - 2. Remember my responsibility is to set policy – not to implement policy.
 - 3. Consider myself a trustee of the Saint Paul Conservatory for Performing Artists' mission, vision, and values and do my best to protect, conserve, and advance its progress.

4. Recognize that my responsibility, exercised through the actions of the Board of Directors as a whole, is to see that the school is properly managed. I will not attempt to manage the school by myself.
 5. Work with the superintendent – not over or around the superintendent.
 6. Delegate the implementation of Board of Directors' decisions to the superintendent.
- C. To keep the Board of Directors professional, I will:
1. Respect the rights of others to have and express opinions.
 2. Recognize that authority rests with the Board of Directors in legal session – not with the individual members of the Board of Directors except as authorized by law.
 3. Make no disparaging remarks, in or out of meetings, about other members of the Board of Directors or their opinions.
 4. Keep an open mind about how I will vote on any proposition until the Board of Directors has met and fully discussed the issue.
 5. Make decisions by voting in meetings after all sides of debatable questions have been presented.
 6. Insist that committees be appointed to serve only in an advisory capacity to the Board of Directors.
- D. To serve my community, I will:
1. Attempt to appraise and plan for both the present and future needs of the school and community.
 2. Attempt to obtain adequate financial support for the school's programs.
 3. Insist that business transactions of the school be ethical and open.
 4. Strive to uphold my responsibilities and accountability to the taxpayers.
- E. In working with the superintendent of schools and staff, I will:
1. Hold the superintendent responsible for the administration of the school.
 2. Give the superintendent authority commensurate with his or her responsibilities.
 3. Assure that the school will be administered by the best professional personnel available.
 4. Consider the recommendation of the superintendent in hiring all employees.
 5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
 6. Insist the superintendent keep the Board of Directors adequately informed at all times.

7. Offer the superintendent counsel and advice.
 8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the Board of Directors.
 9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the Board of Directors as a whole for proper referral according to the chain of command.
 10. Present any personal criticisms of employees to the superintendent.
 11. Provide support for the superintendent and employees of the school so they may perform their proper functions on a professional level.
- F. To fulfil my legal obligation as a member of the Board of Directors, I will:
1. Comply with all federal, state, and local laws relating to my work as a member of the Board of Directors.
 2. Comply with all school policies as adopted by the Board of Directors.
 3. Abide by all rules and regulations as written by the Minnesota Department of Education and other state and federal agencies with jurisdiction over schools.
 4. Recognize that school business may be legally transacted only in an open meeting of the Board of Directors.
 5. Avoid conflicts of interest and refrain from using their position for personal gain.
 6. Take no private action that will compromise the Board of Directors or administration.
 7. Guard the confidentiality of information that is protected under applicable law.

Legal References

- ✓ Minn. Stat. § 123B.02, Subd. 1 (School District Powers)
- ✓ Minn. Stat. § 123B.09 (School Board Powers)
- ✓ Minn. Stat. § 123B.143, Subd. 1 (Superintendent)
- ✓ Minn. Stat. § 124E.03 (Applicable Law)

205 Conflict of Interest – Charter School Board Members

1. Purpose

The purpose of this policy is to observe state statutes regarding conflicts of interest for members of the Board of Directors and to engage in school business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

2. General Statement of Policy

The policy of the Board of Directors is to conform to statutory conflict of interest laws and act in a manner that will avoid any conflict of interest or the appearance thereof.

3. Conflicting Business Relationships

- A. An individual is prohibited from serving as a member of the Board of Directors if the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the school contracts, directly or indirectly, for professional services, goods, or facilities. An individual is prohibited from serving as a member of the Board of Directors if an immediate family member is an employee of the school. A violation of this prohibition renders a contract voidable at the option of the Commissioner of Education (Commissioner) or the Board of Directors. A member of the Board of Directors who violates this prohibition is individually liable to the school for any damage caused by the violation. An individual may serve as a member of the Board of Directors if no conflict of interest under this paragraph exists.
- B. No member of the Board of Directors, employee, officer, or agent of a school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when the school is contracting with an entity where any of the following has a financial or other interest in the entity:
 - 1. the member of the Board of Directors, employee, officer, or agent;
 - 2. the immediate family of the member of the Board of Directors, employee, officer, or agent;
 - 3. the partner of the member of the Board of Directors, employee, officer, or agent; or

4. an organization that employs, or is about to employ, any individual in clauses (1) to (3).

A violation of this provision renders the contract void.

- C. Any employee, agent, or board member of the authorizer of a charter school who participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the Board of Directors of a school chartered by that authorizer.
- D. The conflict of interest provisions do not apply to compensation paid to a teacher employed as a teacher by the school or a teacher who provides instructional services to the school through a cooperative formed under Minn. Stat. Ch. 308A when the teacher also serves on the Board of Directors.
- E. A member of the Board of Directors, employee, or officer is a local official with regard to the receipt of gifts. A board member, employee, or officer must not receive compensation from a group health insurance provider.

4. Disciplinary Actions

Board of Directors members found in violation will be removed from the Board and may be subject to other penalties depending on the nature of the conflict and its impacts.

Legal References

- ✓ Minn. Stat. § 10A.071, Subd. 1 (Certain Gifts by Lobbyists and Principals Prohibited)
- ✓ Minn. Stat. § 124E.14 (Conflicts of Interest)
- ✓ Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

206 Charter School Board Member Development

1. Purpose

The Saint Paul Conservatory for Performing Artists requires members of the Board of Directors to participate in training below and in compliance with Minnesota Charter School Law.

2. Timing and Content of Training

All new board members shall attend initial training on the board's role and responsibilities, employment policies, and practices, and financial management.

3. Required Training

Every member of the Saint Paul Conservatory for Performing Artists Board of Directors shall attend annual training throughout the member's term on the board.

4. Consequences for Failure to Attend Training

A new member of the Board of Directors who does not begin the required initial training within six months after being seated and complete that training within twelve months of being seated on the board is automatically ineligible to continue to serve as a member.

5. School Responsibilities

The school shall include in its annual report the training attended by each member of the Board of Directors during the previous year.

Legal Reference

- ✓ Minn. Stat. §124E.07 Subd. 7 (Training)

207 Charter School Board Committees

1. Purpose

The purpose of this policy is to provide for the structure and the operation of committees of the Board of Directors.

2. General Statement of Policy

- A. It is the policy of the Board of Directors to designate board committees when it is determined that a committee process facilitates the mission of the Board.
- B. A committee will be formed by board resolution which shall outline the duties and purpose of the committee.
- C. A committee is advisory in nature and has only such authority as specified by the Board of Directors.
- D. The Board of Directors will receive reports or recommendations from a committee for consideration. The Board of Directors, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
- E. The Board of Directors also may establish such ad-hoc committees for specific purposes as needed.
- F. The Board of Directors reserves the right to limit, create, or abolish any standing or ad-hoc committee.
- G. A committee of the Board of Directors shall not appoint a subcommittee without Board approval.

3. Appointment of Committees

- A. The Board of Directors will establish, by resolution, for each standing or ad-hoc committee the number of members, the term, and the charge or mission of each committee.
- B. The Chair of the Board of Directors shall appoint the members of each committee and designate its chair.

4. Procedures for Board Committees

- A. All meetings of committees shall comply with the Open Meeting Law, and notice shall be given as prescribed by law.
- B. A committee shall act only within the guidelines and mission established for that committee by the Board of Directors.
- C. Actions of a committee shall be by majority vote and be consistent with the governing rules and bylaws of the Board of Directors.
- D. Each committee shall designate a secretary who will record the minutes of actions of the committee.
- E. Board committees are advisory and are limited to making recommendations to the Board of Directors.
- F. In any dealings with the public, the committee will advise that its powers are only advisory.

Legal References

- ✓ Minn. Stat. Ch. 13D (Open Meeting Law)

Cross References

- ✓ Bylaws of SPCPA, Article III (Committees)

208 Purchasing, Procurement, Contracting, and Acceptance of Gifts

1. Purpose

The purpose of this policy is to establish procedures for carrying out purchasing, procurement, and contracting functions of the Saint Paul Conservatory for Performing Artists, to provide efficient management of public monies, and ensure compliance with all applicable state and federal laws.

2. General Statement of Policy

It is the policy of the Saint Paul Conservatory for Performing Artists Board of Directors to utilize resources to the greatest benefit of students' education and to establish procedures for all expenditures made with school funds to ensure efficiency, economy, legal compliance, internal control, ethical behavior by all staff members, and fairness in dealing with vendors.

3. Definitions

- A. **Advance payment** means a payment that a federal awarding agency or passthrough entity makes before the non-federal entity disburses the funds for program purposes.
- B. **Allowable cost** means a cost that complies with all legal requirements that apply to a particular federal education program, including statutes, regulations, guidance, applications, and approved grant awards.
- C. **Compensation for personal services** means all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the federal award, including, but not necessarily limited to, wages and salaries, and may include fringe benefits.
- D. **Contract** means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award but does not include federal awards or subawards.
- E. **Direct costs** means those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

- F. **Direct grants** mean grants that do not pass through another agency such as Minnesota Department of Education (MDE) and are awarded directly by the federal awarding agency to the grantee organization.
- G. **Education Department General Administrative Regulations (EDGAR)** means a compilation of regulations that apply to federal education programs. These regulations contain important rules governing the administration of federal education programs and include rules affecting the allowable use of federal funds (including rules regarding allowable costs, the period of availability of federal awards, documentation requirements, and grants management requirements). EDGAR can be accessed at: <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.
- H. **Equipment** means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit cost which exceeds the lesser of the capitalization level used by the non-federal entity for financial statement purposes, or \$5,000.
- I. **Federal award** means one of the following, depending on context:
1. A non-federal entity receives money directly from a federal awarding agency or indirectly from a passthrough entity that is:
 2. Federal financial assistance; or
 3. Cost-reimbursement contract under the federal Acquisition Regulations.
 4. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.
 5. “Federal award” does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal-government-owned, contractor-operated facilities.
- J. **Non-federal entity** means a state, local government, Indian Tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.
- K. **Omni Circular** or 2 C.F.R. Part 200s or Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards means federal cost principles that provide standards for determining whether costs may be charged to federal grants.
- L. **Post-retirement health plans** means costs of health insurance or health services not included in a pension plan covered for retirees and their spouses, dependents, and survivors.

- M. **Relocation costs** are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period not less than 12 months) of an existing employee or upon recruitment of a new employee.
- N. **Severance pay** means a payment in addition to regular salaries and wages by the non-federal entities to workers whose employment is being terminated.
- O. **State-administered grants** means grants that pass through a state agency such as Minnesota Department of Education (MDE).
- P. **Travel costs** are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the school.

4. Conflict of Interest

The school must disclose in writing any potential conflict of interest to MDE in accordance with applicable federal awarding agency policy, and address individual and organization conflicts of interest in accordance with school policies.

5. Purchasing Authority

Purchasing or the incurrence of obligations on behalf of the school may only be made within the framework of adopted budgets approved by the Board of Directors. The Superintendent and Board of Directors Treasurer are authorized to contract for goods and services.

6. Accounting Practices

The school will comply with the Uniform Financial and Reporting Standards (UFARS) for Minnesota schools and school accounting policy. Accounting practices will be done in compliance with Minnesota Department of Education guidelines and state laws and rules relating to the reporting of revenues and expenditures. The Board of Directors will provide an annual audit of financial records to ensure compliance in accordance with school policy.

7. Acceptance of Gifts

A. Acceptance of Gifts Generally

The Board of Directors may receive, for the benefit of the school, bequests, donations, or gifts for any proper purpose. The Board of Directors has the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the school and whether it should be accepted or rejected.

B. Gifts of Real or Personal Property

The Board of Directors may accept a gift, grant, or devise of real or personal property in accordance with the terms of the donor only by the adoption of a resolution approved by two-thirds majority. The real or personal property may not be used for religious or sectarian purposes.

C. Administration in Accordance with Terms

If the Board of Directors agrees to accept a bequest, donation, gift, grant, or devise which contains preconditions, conditions, or limitations on use, the Board of Directors will administer it in accordance with those terms. Once accepted, a gift will be the property of the school unless otherwise provided in the agreed upon terms.

If the gift is for capital facilities' needs, the school may receive money from any source, but will report the total amount of funds it received from grants and other outside sources in the year-end report to the Commissioner of Education.

8. General Procurement Standards

A. The superintendent and Treasurer of the Board of Directors are responsible for overseeing the procurement process, including establishment of procedures, internal controls, quality assurance, methods of greatest economy, and compliance with all applicable laws. The official school expenditure budget (as adopted by the Board of Directors) is authorization for the superintendent to make purchases within the budget under his or her control. To be valid, all contracts must be approved by the Board of Directors. The Board of Directors may empower the superintendent to enter into contracts that will be subsequently approved by the Board.

B. Purchasing procedures apply to procurement of equipment, supplies, and services used to support the educational process. Expenditure of school funds may only be for the public purposes of the school and may not benefit an individual.

C. To provide efficient budget management, the superintendent, in collaboration with the Treasurer of the Board of Directors, must approve all expenditures.

D. The superintendent will monitor and facilitate best practices and ensure best pricing.

E. Economy

Good business practice dictates products will be purchased for the lowest price for acceptable quality. Lower prices can be achieved through researching best prices, cultivating business relationships, negotiating price contracts, buying in quantity, competitive quotation, or formal bid process.

F. Purchasing Process

School payments for goods and services shall be reported to the Board of Directors for review no later than the next Board meeting. Purchasing card use and office supply web site purchases shall be reviewed by the Board of Directors at the meeting following payment. Methods for requesting goods and services:

1. Requisitions for purchase orders. The school is to have a written procedure for the process of generating a purchase order for goods or services.
2. District purchasing card (credit card). The charter school is to have a written procedure for determining card holders, method of reconciliation of monthly statements, a plan for attaching of all receipts and the process for authorizing payment. Each cardholder is responsible for producing supporting documents that reconcile with the credit card bill. These supporting documents must be available for inspection by the superintendent and the board of education as requested.
3. Internet site. Purchase from approved vendors using the purchasing card. Office supplies can be purchased from vendors with which a data communication relationship is maintained and no purchase order is necessary. When goods are received, purchaser notifies the superintendent (or designee) and payment will be generated.
4. Services or supplies received and invoiced prior to initiating a purchase order may be paid by filling out a "claim reimbursement" form and getting superintendent approval. Examples include attorneys, auditors, employee reimbursement for purchase of goods or mileage, and other contracted services where the total cost cannot be determined ahead of time.
5. Employees may be reimbursed for school expenses using a "claim reimbursement" form by attaching receipts and getting the superintendent's approval. State sales tax cannot be reimbursed, so purchasing cards or purchase orders should be used whenever possible.
6. Imprest (petty) cash. Petty cash boxes may be authorized by the board if recommended by the superintendent. The superintendent, or certain designees, may have \$300, and in special circumstances, up to \$500 in a petty cash box. The total receipts and cash must always equal the authorized amount. The boxes must be kept in a secure location and must be available for review by the superintendent at any time and must be turned into the superintendent's office and audited at the end of each fiscal year end.
7. Advance payment. Advanced payment will only be made when required by the vendor. From time-to-time it may become necessary to get an advance payment for goods or services. Upon approval of the superintendent, advance payment will be made for such things as extended field trips, conference travel by staff, or vendors who won't accept a purchase order. All receipts, along with any unspent funds must be turned in upon completion.

- G. The superintendent or designee will inspect ordered goods upon receipt to ensure accuracy of the order and condition of the goods. The initialed and dated packing slip or invoice should be filed and match with invoice for payment.
- H. Payment for goods and services will be made only after the receipt of the goods or services, with rare exceptions. Payment will be within 35 days with exception for a negotiated shorter payment period between vendor and school. No company shall be paid late fees for payment within the 35 days.
- I. The business management company, or office personnel, generally prints checks for payment two times a month. Urgent purchase orders or urgent payments will be made only with the recommendation of the superintendent and after a conversation with the business management company or office personnel and verification that the need is urgent.
- J. Purchase orders remain unfilled and open until all items have been received and paid. Full year purchase orders (i.e., blanket POs for cell phone bills) and any unfilled purchase orders at June 30 of the fiscal year must be closed out and if necessary renewed with a different PO number for the new fiscal year. Authorization to make future purchases cannot extend beyond the end of the fiscal year.

9. Purchasing Procedures Using Non-Federal Money

- A. Procedures for Purchases exceeding \$25,000 but not \$175,000 with Non-Federal Money

A contract for supplies, materials, equipment or construction estimated to exceed \$25,000 but not to exceed \$175,000 must be made by direct negotiation, by obtaining two or more competitive quotes for the purchase or sale whenever possible, or by sealed bid. Charter school contracts of this size must be in compliance with Minnesota law. The superintendent and the Treasurer of the Board of Directors must oversee this process.
- B. A contract for supplies, materials, equipment or construction estimated to cost \$175,000 and over must be solicited by sealed bid after a public notice period. Contracts of this size must be in compliance with Minnesota law. The superintendent and the Treasurer of the Board of Directors must oversee this process.

10. Federal uniform administrative requirements

- A. The school must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The school must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. The school's procedures must avoid acquisition of

unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. The school must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

- B. The school must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to:
 - 1. rationale for the method of procurement;
 - 2. selection of the contract type;
 - 3. contractor selection or rejection;
 - 4. and the basis for the contract price.
- C. The school alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the school of any contractual responsibilities under its contracts.
- D. Methods of Procurement

The school must use one of the following methods of procurement:

- 1. Procurement by micro-purchases is the acquisition of supplies or services in which the aggregate dollar amount does not exceed the micro-purchase threshold of \$3,500. To the extent practicable, the school must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the school considers the price to be reasonable.
- 2. Procurement by small purchase procedures are relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$100,000 (periodically adjusted for inflation). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- 3. Procurement by sealed bids (formal advertising) is a publicly solicited and firm, fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
- 4. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement

type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - b. Proposals must be solicited from an adequate number of qualified sources;
 - c. The school must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - e. The school may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method where price is not used as a selection factor can only be used in procurement of A/E professional services; it cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.
5. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source. Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:
- a. The item is available only from a single source;
 - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - c. The DOE or MDE expressly authorizes noncompetitive proposals in response to a written request from the school; or
 - d. After solicitation of sources, competition is determined inadequate.

E. Competition

The school must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, set forth those minimum essential characteristics and standards to satisfy its intended use. Detailed product specifications should be avoided. When making a clear and accurate description of the technical requirements is impractical or uneconomical, a

- “brand name or equivalent” description may be used. The specific features of the named brand which must be met by offers must be clearly stated; and
2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- F. The school must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the school must not preclude potential bidders from qualifying during the solicitation period.
- G. Non-federal entities are prohibited from contracting with or making subawards under “covered transactions” to parties that are suspended or debarred or whose principals are suspended or debarred. “Covered transactions” include procurement contracts for goods and services awarded under a grant or cooperative agreement that are expected to equal or exceed \$25,000.
- H. All subawards are considered covered transactions, unless they are exempt as provided in 2 C.F.R. § 180.215.

11. Managing Equipment and Safeguarding Assets

A. Property Standards

The school must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the school.

B. Equipment

Procedures for managing equipment, whether acquired in whole or in part under a federal award will include:

1. Maintenance of property records that include:
 - a. a description of the property; a serial number or other identification number
 - b. the source of the funding for the property (including the federal award identification number (FAIN))
 - c. title holder, acquisition date, and the cost of the property
 - d. the percentage of the federal participation in the project costs for the federal award under which the property was acquired
 - e. the location, use, and condition of the property
 - f. any ultimate disposition data, including the date of disposition and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two (2) years.

3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures to keep property in good condition.
5. If sale of property is authorized or required, proper sales procedures must be established to ensure the highest possible return.

12. Federal Financial Management Requirements

A. Financial Management

The school's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of federal awards, must be sufficient to permit the preparation of reports required; and the tracing of funds to a level of expenditures adequate to establish the cost was allowable.

B. Payment

The school must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement between the school and the financial management systems that meet the standards for fund control.

C. Internal Controls

The school must establish and maintain effective internal control over the federal award that provides reasonable assurance that the school is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with federal guidance.

13. Allowable Use of Federal Funds and Cost Principles

- A. The superintendent and Board of Directors will enforce appropriate procedures and penalties for program, compliance, and accounting staff responsible for the allocation of federal grant costs based on their allowability and their conformity with federal cost principles to determine the allowability of costs. All costs must be consistent with approved program plans and budgets, terms and conditions of federal awards. Staff managing federal programs receive training on the allowable use of federal funds and coordinate information sharing for participating staff members. Any school employee who violates this policy will be subject to discipline, as appropriate, up to and including the termination of employment.
- B. Applying the "supplement, not supplant" principle so that federal funds do not pay for things that would otherwise be paid for with state or local funds. Auditors may generally presume supplanting has occurred in three situations:

1. School uses federal funds to provide services that the school is required to make available under other federal, state, or local laws.
 2. School uses federal funds to provide services that the school provided with state or local funds in the prior year.
 3. School uses Title I, Part A, or Migrant Education Program funds to provide the same services to Title I or Migrant students that the school provides with state or local funds to nonparticipating students.
- C. Generally allowable costs under 2 CFR 200 include, under specific conditions:
1. Advisory councils;
 2. Audit costs and related services;
 3. Bonding costs;
 4. Communication costs;
 5. Compensation for personal services;
 6. Depreciation and use allowances;
 7. Employee morale, health, and welfare costs;
 8. Equipment and other capital expenditures;
 9. Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of federal programs;
 10. Insurance and indemnification;
 11. Maintenance, operations, and repairs;
 12. Materials and supplies costs;
 13. Meetings and conferences;
 14. Memberships, subscriptions, and professional activity costs;
 15. Security costs;
 16. Professional service costs;
 17. Proposal costs;
 18. Publication and printing costs;
 19. Rearrangement and alteration costs;
 20. Rental costs of building and equipment;
 21. Training costs; and
 22. Travel costs.
- D. Generally forbidden costs by federal law include, but are not limited to:

1. Advertising and public relations costs (with limited exceptions), including promotional items and memorabilia, models, gifts, and souvenirs;
2. Alcoholic beverages;
3. Bad debts;
4. Contingency provisions (with limited exceptions);
5. Fundraising and investment management costs (with limited exceptions);
6. Donations;
7. Contributions;
8. Entertainment (amusement, diversion, and social activities and any associated costs);
9. Fines and penalties;
10. General government expenses (with limited exceptions pertaining to Indian tribal governments and Councils of Government (COGs));
11. Goods or services for personal use;
12. Interest, except interest specifically stated in 2 C.F.R. § 200.441 as allowable;
13. Religious use;
14. The acquisition of real property (unless specifically permitted by programmatic statute or regulations);
15. Construction (unless specifically permitted by programmatic statute or regulations); and
16. Tuition charged or fees collected from students applied toward meeting matching, cost sharing, or maintenance of effort requirements of a program.

E. Program Allowability

1. Any cost paid with federal education funds must be permissible under the federal program that would support the cost.
2. Many federal education programs detail specific required and/or allowable uses of funds for that program. Issues such as eligibility, program beneficiaries, caps or restrictions on certain types of program expenses, and other program specific requirements must be considered when performing the analysis.
3. The two largest federal K-12 programs, Title I, Part A, and the Individuals with Disabilities Education Act (IDEA), do not contain a use of funds section describing the allowable uses of funds under those programs. In those cases, costs must be consistent with the purposes of the program to be allowable.

F. Federal cost principles require all costs to be:

1. Necessary and proper for efficient performance of the program purposes.

2. Reasonable. An outside observer should clearly understand why a decision to spend money on a specific cost made sense in light of the cost, needs, and requirements of the program.
3. Allocable to the federal program that paid for the cost. A program must benefit in proportion to the amount charged to the federal program.
4. Authorized under state and local rules. All actions carried out with federal funds must be authorized by state and local laws and policies.
5. Adequately documented. A recipient must maintain proper documentation to provide evidence to monitors, auditors, or other oversight entities of how the funds were spent over the lifecycle of the grant.

Legal References

- ✓ 2 C.F.R. § 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards)
- ✓ Standards for Internal Control in the Federal Government: September 2014 (The Green Book)
- ✓ Minn. Stat. §123B.02.6 (bequests; donations; gifts)
- ✓ Minn. Stat. §124E.12 (Employment)
- ✓ Minn. Stat. §124E.14 (Conflicts of Interest)
- ✓ Minn. Stat. §124E.24 (Other Aid, Grants, and Revenue)
- ✓ Minn. Stat. §465.03 (Gifts to Municipalities)
- ✓ Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)

Cross References

- ✓ SPCPA Policy 204 (Code of Ethics)
- ✓ SPCPA Policy 205 (Conflict of Interest – Charter School Board Members)
- ✓ SPCPA Policy 306 (Code of Ethics)
- ✓ SPCPA Policy 421 (Conflict of Interest)
- ✓ SPCPA Policy 426 (Nepotism in Employment)
- ✓ SPCPA Policy 702 (Accounting)
- ✓ SPCPA Policy 703 (Annual Audit)
- ✓ SPCPA Policy 715 (Purchasing Group Health Insurance)

209 Out-of-State Travel by School Board Members

1. Purpose

The purpose of this policy is to control out-of-state travel by school board members as required by law.

2. General Statement of Policy

School board members have an obligation to become informed on the proper duties and functions of a Board of Directors member, to become familiar with issues that may affect the school, to acquire a basic understanding of school finance and budgeting, and to acquire sufficient knowledge to comply with federal, state, and local laws, rules, regulations, and school policies that relate to their functions as Board of Directors members. Occasionally, it may be appropriate for Board of Directors members to travel out of state to fulfill their obligations.

3. Appropriate Travel

Travel outside the state is appropriate when the Board of Directors finds it proper for members to acquire knowledge and information necessary to allow them to carry out their responsibilities as Board of Directors members. Travel to regional or national meetings of the National School Boards Association is presumed to fulfill this purpose. Travel to other out-of-state meetings for which the member intends to seek reimbursement from the school should be preapproved by the Board of Directors.

4. Reimbursable Expenses

Expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary charter school-related expenses.

5. Reimbursement

- A. Requests for reimbursement must be itemized on the official charter school form and are to be submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form.

- B. Automobile travel shall be reimbursed at the mileage rate set by the IRS.
Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- C. Amounts to be reimbursed shall be within the Board of Directors' approved budget allocations, including attendance at workshops and conventions.

6. Establishment of Directives and Guidelines

The superintendent shall develop a schedule of reimbursement rates for school business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

Legal References

- ✓ Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)
- ✓ Minn. Stat. § 471.661 (Out-of-State Travel)
- ✓ Minn. Stat. § 471.665 (Mileage Allowances)
- ✓ Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)
- ✓ Minn. Op. Atty. Gen. 161b-12 (Aug. 4, 1997) (Transportation Expenses)

213 Charter School Board Committees

1. Purpose

The purpose of this policy is to provide for the structure and the operation of committees of the Saint Paul Conservatory for Performing Artists Board of Directors.

2. General Statement of Policy

- A. It is the policy of the board to designate committees when it is determined that a committee process facilitates the mission of the board.
- B. A board committee will be formed by board resolution which shall outline the duties and purpose of the committee.
- C. A committee is advisory in nature and has only such authority as specified by the board.
- D. The board will receive reports or recommendations from a committee for consideration. The board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
- E. The board also may establish such ad-hoc committees for specific purposes as it deems appropriate.
- F. The board reserves the right to limit, to create, or to abolish any standing or ad-hoc committee.
- G. A committee of the board shall not appoint a subcommittee of that committee without approval of the board.

3. Appointment of Committees

- A. The board will establish each standing or ad-hoc committee by resolution specifying the number of members, the term, and the charge or mission of each such committee.
- B. The board chair shall appoint the members of each standing or ad-hoc committee and designate the chair thereof.

4. Procedures for Committees

- A. All meetings of committees shall comply with the Open Meeting Law, and notice shall be given as prescribed by law.
- B. A committee shall act only within the guidelines and mission established for that committee by the board.
- C. Actions of a committee shall be by majority vote and be consistent with the governing rules of the board.
- D. The committee shall designate a secretary who will record the minutes of actions of the committee.
- E. The power of a committee is advisory only and is limited to making recommendations to the board.
- F. A committee shall, when appropriate, clarify with the public that its powers are only advisory to the board.

Legal References

- ✓ Minn. Stat. Ch. 13D (Open Meeting Law)

Cross References

- ✓ Bylaws of SPCPA, Article III (Committees)

301 Charter School Administration

1. Purpose

The purpose of this policy is to clarify the role of the school administration and its relationship with the Board of Directors.

2. General Statement of Policy

- A. Effective administration and sound management practices are essential to realizing educational excellence. It is the responsibility of the school administration to develop an environment that recognizes the dignity of each student and employee, and the right of each student to access educational programs and services.
- B. The Board of Directors expects all activities related to the operation of the school will be administered in a well-planned manner, will be conducted in an orderly fashion, and will be consistent with the policies and guidance of the Board of Directors.
- C. The Board of Directors shall seek specific recommendations, background information, and professional advice from the school administration. The school administration is accountable to the Board for sound management of the school.
- D. The Board of Directors holds the superintendent ultimately responsible for administration of the school and annual evaluation of other administration staff. The board also recognizes the direct responsibility of the principal and deans for educational results and effective administration, supervisory, and instructional leadership.
- E. The Board of Directors and school administration shall work together to share information and decisions that best serve the needs of current and future students and the needs of the school community.

Legal References

- ✓ Minn. Stat. § 123B.143 (Superintendent)
- ✓ Minn. Stat. § 123B.147 (Principals)

302 Superintendent

1. Purpose

The purpose of this policy is to recognize the importance of the role of the superintendent and the overall responsibility of that position within the Saint Paul Conservatory of Performing Artists.

2. General Statement of Policy

The Board of Directors shall employ a superintendent who shall serve as an ex-officio, nonvoting member of the Board, and as Chief Executive Officer of the school.

3. General Responsibilities

- A. The superintendent is responsible for the management of the school, the administration of all school policies, and is directly accountable to the Board of Directors.
- B. The superintendent shall annually evaluate the school principal and other members of administration.
- C. The superintendent may delegate responsibilities to other personnel but shall continue to be accountable for actions taken under delegation.
- D. The superintendent shall use personal and professional judgment to act in the best interests of the school in instances where responsibilities are not defined, subject to review by the Board of Directors.

Legal References

- ✓ Minn. Stat. § 123B.143 (Superintendent)

304 Superintendent Contract, Duties, and Evaluation

1. Purpose

The purpose of this policy is to provide for the use of an employment contract with the superintendent, a position description, and the use of an approved instrument to evaluate performance.

2. Contract

- A. The superintendent's contract shall be used to formalize the employment relationship and to specifically identify and clarify all conditions of employment with the superintendent.
- B. The contract will be in accordance with all requirements of state and federal law and applicable school policies.

3. Duties and Evaluation

The specific duties for which the superintendent is accountable shall be set forth in a position description for the superintendent and shall be measured by a performance appraisal instrument approved by the Board of Directors in consultation with the superintendent. The Board of Directors shall use this instrument to annually evaluate the performance of the superintendent.

Legal References

- ✓ Minn. Stat. § 123B.143 (Superintendent)

Cross References

- ✓ SPCPA Policy 303 (Superintendent Selection)

305 Policy Implementation

1. Purpose

The purpose of this policy is to clarify the responsibility of the school administration for implementation of Board of Directors' policy.

2. Policy

- A. It shall be the responsibility of the superintendent to implement and recommend changes to school policy.
- B. The administration is authorized to develop guidelines and directives to implement school policies in accordance with Board of Directors' instruction. Periodically, and upon request, these written procedures shall be presented to the Board of Directors for review.
- C. Employee and student handbooks shall be subject to review and approval by the Board of Directors annually.
- D. School personnel with handbook responsibilities shall present recommended changes necessary to reflect new or modified policies. Changes of substance within handbooks shall be reviewed by the superintendent to assure compliance with school policy and shall be approved along with the rest of the handbook by the Board of Directors.

Legal References

- ✓ Minn. Stat. § 123B.143 (Superintendent)

306 Administrator Code of Ethics

1. Purpose

The purpose of this policy is to establish the ethical requirements of school administrators in accordance with the standards of ethics and professional conduct in this policy and Minnesota law.

2. General Statement of Policy

Administrators at the school must adhere to a code of professional ethics as part of the school's leadership. The code must be idealistic and at the same time practical, so that it can apply reasonably to all education leaders. The administrator acknowledges that the school belongs to the public they serve for the purpose of providing educational opportunities to all. In their capacity as school leaders, they must maintain standards of exemplary professional conduct. It must be recognized that the actions of school leaders will be viewed and appraised by the community, professional associates, and students.

3. Standards Of Ethics

A. The Educational Administrator will:

1. Make the well-being of students the fundamental value of all decision-making and actions.
2. Fulfill professional responsibilities with honesty and integrity.
3. Support the principle of due process and protect the civil and human rights of all individuals.
4. Obey local, state, and national laws and not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
5. Implement approved Board of Directors' policies.
6. Pursue appropriate measures to correct laws, policies, and regulations that are not consistent with sound educational goals.
7. Avoid using positions for personal gain through political, social, religious, economic, or other influence.
8. Accept academic degrees or professional certification only from duly accredited institutions.

9. Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
10. Honor all contracts until fulfillment, release, or dissolution is mutually agreed upon by all parties to the contract.
11. Adheres to the Code of Ethics for School Administrators in Minnesota Rules.

Legal References

- ✓ Minn. Stat. § 122A.14, Subd. 4 (Code of Ethics)
- ✓ Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)

Cross References

- ✓ SPCPA Policy 421 (Conflicts of Interest)
- ✓ SPCPA Policy 426 (Nepotism)

401 Equal Employment Opportunity

1. Purpose

The purpose of this policy is to provide equal employment opportunity for all applicants for school employment and school employees.

2. General Statement of Policy

- A. The policy of the school is to provide equal employment opportunity for all applicants and employees. The school does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, or age. The school also makes reasonable accommodations for employees with disabilities.
- B. The school prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school's internal procedures for addressing complaints of harassment, please refer to the school's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. Every school employee shall be responsible for following this policy.
- E. Any person having a question regarding this policy should discuss it with the superintendent.

Legal References

- ✓ Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- ✓ 29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)
- ✓ 29 U.S.C. § 2615 (Family and Medical Leave Act)
- ✓ 38 U.S.C. § 4211 et seq. (Employment and Training of Veterans)
- ✓ 38 U.S.C. § 4301 et seq. (Employment and Reemployment Rights of Members of the Uniformed Services)
- ✓ 42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)
- ✓ 42 U.S.C. § 12101 et seq. (Equal Opportunity for Individuals with Disabilities)

Cross References

- ✓ SPCPA Policy 402 (Disability Nondiscrimination)
- ✓ SPCPA Policy 405 (Veteran's Preference)

✓ SPCPA Policy 413 (Harassment and Violence)

402 Disability Nondiscrimination

1. Purpose

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

2. General Statement of Policy

- A. The school shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact Callie Jacobs, Superintendent, 16 W 5th Street, St. Paul, MN 55102, 651-290-2225, jacobsc@spcpa.org. This individual is the school's appointed ADA/Section 504 coordinator for employment matters.

Legal References

- ✓ Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- ✓ 29 U.S.C. 794 et seq. (Rehabilitation Act of 1973, § 504)
- ✓ 42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)
- ✓ 29 C.F.R. Part 32
- ✓ 34 C.F.R. Part 104

Cross References

- ✓ SPCPA Policy 505 (Student Disability Nondiscrimination)

403 Discipline, Suspension, and Dismissal of Charter School Employees

1. Purpose

The purpose of this policy is to achieve the effective operation of Saint Paul Conservatory for Performing Artists and its programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

2. General Statement of Policy

The disciplinary process described herein is designed to utilize progressive steps, to produce positive corrective action. While the school intends in most cases to administer progressive discipline, the specific form of discipline and/or the decision to impose discipline is solely within the discretion of the school.

3. Discipline

- A. Misconduct or violation of federal, state, or local laws and school policies or directives. Whether misconduct has occurred shall be determined in the sole discretion of the school. Discipline may vary from an oral reprimand to termination of employment or discharge depending upon:

1. the nature of the violation;
2. whether the violation was intentional, knowing, and/or willful;
3. whether the employee has been the subject of prior disciplinary action of the same or a different nature;
4. seriousness of the misconduct.

Misconduct includes, but is not limited to:

1. conduct deemed unprofessional, immoral, or inappropriate by the school;
2. failure to observe rules, regulations, policies, and standards of the school and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. Original or continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;

4. use of illegal drugs, medical cannabis, alcohol, or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
5. deliberate and serious violation of the rights and freedoms of other employees, students, parent(s)/guardian(s), or other persons in the school community;
6. conviction of a felony or gross misdemeanor
7. conduct which the school determines negatively impacts the fitness or effectiveness of the employee to perform duties of the position;
8. failure to follow professional codes of ethics applicable to the individual's role at the school;
9. falsification of credentials and experience;
10. unauthorized destruction of school property;

B. Substandard Performance

An employee's substandard performance may result in the imposition of discipline determined in the sole discretion of the school ranging from an oral reprimand to termination of employment or non-renewal of contract or relationship. In most instances, discipline imposed for substandard performance will follow a progressive format and will be accompanied by supervisor guidance, help, and encouragement to improve, and a reasonable time for improvement to standards.

4. Forms of Discipline

- A. The forms of discipline that may be imposed by the school include, but are not limited to:
1. oral warning;
 2. written warning or reprimand;
 3. disciplinary suspension, demotion, reassignment, or leave of absence with pay;
 4. disciplinary suspension, demotion, reassignment, or leave of absence without pay; and
 5. termination of employment.
 6. non-renewal of any contractual or other relationship.
- B. Other forms of discipline, including any combination of the forms described above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school's objective of stopping or correcting the offending conduct or improving the employee's performance.

5. Procedures for Administering Policy

- A. When any form of discipline is imposed, the employee's supervisor will:

1. Advise the employee of any inadequacy, deficiency, or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time, and nature of the oral warning.
 2. Provide directives to the employee to correct the conduct or performance.
 3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee's personnel file.
 4. Allow reasonable time, when appropriate, for the employee to correct or remediate the performance or conduct.
 5. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. The school retains the right to immediately discipline, terminate, or discharge an employee as appropriate, subject to relevant governing law and any employment agreement, where applicable.

Legal References

- ✓ Minn. Stat. § 124E (Charter Schools)
- ✓ Minn. Stat. § 197.46 et seq. (Veterans Preference Act)

404 Employment Background Checks

1. Purpose

The purpose of this policy is to maintain a safe environment at Saint Paul Conservatory for Performing Artists to promote the physical, social, and psychological well-being of its students. To that end, the school will seek a criminal history background check for applicants who receive an offer of employment with the school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide student services to the school, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school will also conduct background checks of members of the Board of Directors and may elect to do background checks of other volunteers, independent contractors, and student employees in the school.

2. General Statement of Policy

- A. Applicants for school positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide student services to the school, regardless of compensation, must submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school.
- B. The school specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school shall in no way limit the school's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees.

3. Procedures

- A. An individual will not commence employment or provide services until the school receives the results of the criminal history background check. The school may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check.

- B. In order for an individual to be eligible for employment or to provide student services to the school, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school to conduct a criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school decides to pay the some or all of the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. The school, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school may use the results of a criminal background check conducted at the request of another school hiring authority if:
 - 1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 - 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 - 3. the individual executes a written consent form giving the school access to the results of the check; and
 - 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. If required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- F. Copies of this policy shall be available in the school's employment processing office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide student services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- G. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- H. If the criminal history background check precludes employment with, or provision of services to, the school, the individual will be so advised.
- I. The school may apply these procedures to other volunteers, independent contractors, or student employees.

- J. At the beginning of each school year or when a student enrolls, the school will notify parent(s)/guardian(s) about this policy and identify those positions subject to a background check and the extent of the school's discretion in requiring a background check. The school may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.

4. Criminal History Consent Form

A form to obtain consent for a criminal history background check is included with this policy.

Legal References

- ✓ Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)
- ✓ Minn. Stat. § 13.87, Subd. 1 (Criminal History Data)
- ✓ Minn. Stat. § 123B.03 (Background Check)
- ✓ Minn. Stat. §§ 299C.60–299C.64 (Minnesota Child Protection Background Check Act)
- ✓ Minn. Stat. § 364.09(b) (Exception for School Districts)

405 Veteran's Preference

1. Purpose

The purpose of this policy is to comply with the Minnesota Veterans Preference Act (VPA) which provides preference points for veterans applying for employment with political subdivisions, including schools, as well as additional rights for veterans in the discharge process.

2. General Statement of Policy

- A. The policy of Saint Paul Conservatory for Performing Artists is to comply with the VPA regarding veteran's preference rights and mandated preference points to veterans and spouses of deceased veterans or disabled veterans.
- B. The school's policy is also to comply with the VPA requirement that no covered veteran may be removed from public employment except for incompetency or misconduct shown after a hearing upon due notice and in writing. This paragraph does not apply to the position of teacher.
- C. Veteran's preference points will be applied pursuant to applicable law as follows:
 - 1. A credit of ten points shall be added to the competitive open examination rating of a non disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
 - 2. A credit of fifteen points shall be added to the competitive open examination rating of a disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
 - 3. A credit of five points shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, provided that
 - 4. the veteran obtained a passing rating on the examination without the addition of the credit points; and
 - 5. the veteran is applying for a first promotion after securing public employment.
 - 6. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a veteran with disabilities who, because of the disability, is unable to qualify.
- D. Eligibility for and application of veteran's preference, the definition of a veteran, and the definition of a veteran with disabilities for purposes of this policy will be pursuant to the VPA.

- E. When notifying applicants that they have been accepted into the selection process, the school shall notify applicants that they may elect to use veteran's preference.
- F. The school will use a 100-point hiring system to enable allocation of veteran's preference points. The school may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure for the teaching position will be granted an interview for the position.
- G. If the school rejects a member of the finalist pool who has claimed veteran's preference, the school shall notify the finalist in writing of the reasons for the rejection and file the notice with the school's personnel officer.
- H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.
 - 1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
 - 2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.
- I. The VPA and the provisions of this policy do not apply to the position of private secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the Board of Directors or school. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process.

Legal References

- ✓ Minn. Stat. § 43A.11 (Veteran's Preference)
- ✓ Minn. Stat. § 197.455 (Veteran's Preference Applied)
- ✓ Minn. Stat. § 197.46 (Veterans Preference Act)
- ✓ *Hall v. City of Champlin*, 463 N.W.2d 502 (Minn. 1990)
- ✓ *Young v. City of Duluth*, 410 N.W.2d 27 (Minn. Ct. App. 1987)

Cross References

- ✓ SPCPA Policy 401 (Equal Employment Opportunity)

406 Public and Private Personnel Data

1. Purpose

The purpose of this policy is to provide guidance to school employees, independent contractors, and volunteers (hereafter “personnel”) on the data the school collects and maintains regarding personnel.

2. General Statement of Policy

- A. All data on personnel collected, created, received, maintained, or disseminated by the school, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school.
- B. All other data on personnel is private or confidential.

3. Definitions

- A. **Public** means that the data is available to anyone who requests it.
- B. **Private** means the data is available to the subject of the data and to school staff who need it to conduct the business of the school.
- C. **Confidential** means the data is not available to the subject.
- D. **Parking space leasing data** means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, work telephone number, and location of the parking space.
- E. **Personnel data** means government data on individuals maintained because they are current or prior employees of the school, applicants for employment, volunteers, or independent contractors for the school, or members or applicants for an advisory board. Personnel data include data submitted to the school by an employee as part of an organized self-evaluation effort by the school to request suggestions from all employees on ways to cut costs, make the school more efficient, or to improve school operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the suggesting employee.
- F. **Finalist** means an individual who is selected to be interviewed for a position.
- G. **Protected health information** means individually identifiable health information transmitted in electronic form by a school acting as a health care provider. “Protected health information” excludes health information in education records

covered by the federal Family Educational Rights and Privacy Act and employment records held by a school in its role as employer.

- H. **Public officials** means business managers; human resource directors; athletic directors whose duties include at least 50 percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals.

4. Public Personnel Data

- A. The following information on personnel is public:
1. name;
 2. employee identification number, which may not be the employee's social security number;
 3. actual gross salary;
 4. salary range;
 5. terms and conditions of employment relationship;
 6. contract fees;
 7. actual gross pension;
 8. the value and nature of employer-paid fringe benefits;
 9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
 10. job title;
 11. bargaining unit;
 12. job description;
 13. education and training background;
 14. previous work experience;
 15. date of first and last employment;
 16. the existence and status of any complaints or charges against personnel, regardless of whether the complaint or charge resulted in a disciplinary action;
 17. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are personnel of the school;
 18. the complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such

agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;

19. work location;
 20. work telephone number;
 21. badge number;
 22. work-related continuing education;
 23. honors and awards received; and
 24. payroll time sheets or other comparable data that are used only to account for personnel work time for payroll purposes, except to the extent that release of time sheet data would reveal personnel reasons for the use of sick or other medical leave or other not public data.
- B. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position. The following information on applicants for employment is public:
1. veteran status;
 2. relevant test scores;
 3. rank on eligible list;
 4. job history;
 5. education and training; and
 6. work availability.
- C. Data about applicants for appointment to a public body are private data on individuals except that the following are public
1. name;
 2. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
 3. education and training;
 4. employment history;
 5. volunteer work;
 6. awards and honors;
 7. prior government service;
 8. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minn. Stat. § 15.0597; and
 9. veteran status.

10. Once an individual is appointed to a public body, the following additional items of data are public:
 11. residential address;
 12. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee. Any electronic mail address or telephone number provided by the school for use by the appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the school as the designated electronic mail address and/or telephone number at which the appointee can be reached.
 13. first and last dates of service on the public body;
 14. the existence and status of any complaints or charges against an appointee; and
 15. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
- D. Upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.
- E. If not classified as private under another law, data relating to a complaint or charge against a public official is public if either:
1. the complaint or charge results in disciplinary action or the employee resigns or is terminated while the complaint or charge is pending; or
 2. potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement.

5. Private Personnel Data

- A. All other personnel data are private and will only be shared with school staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the personnel's informed written consent. The following are classified as private data on individuals:
1. Data pertaining to an employee's dependents;
 2. Data created, collected, or maintained by the school to administer employee assistance programs;
 3. Parking space leasing data; and
 4. An individual's checking account number.
- B. Personnel data may be disseminated to labor organizations to the extent the school determines it is necessary for the labor organization to conduct its business

or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.

- C. The school may display a photograph of current or former personnel to prospective witnesses as part of the school's investigation of any complaint or charge against the employee.
- D. If the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect personnel from harm to self or another, the school may release data that are relevant to the concerns for safety to:
 - 1. the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - 2. a pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
 - 3. a court, law enforcement agency, or prosecuting authority.
- E. Private personnel data or confidential investigative data on personnel may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- F. A complainant has access to a statement provided by the complainant to the school in connection with a complaint or charge against personnel.
- G. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school determines that the employee's access to that data would:
 - 1. threaten the personal safety of the complainant or a witness; or
 - 2. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against personnel, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding and in accordance with policies regarding sexual or other harassment.

- H. The school shall make any report to the board of teaching or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- I. Private personnel data shall be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment insurance program.

- J. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of informing parent(s)/guardian(s) of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- K. The school shall release to a requesting school district or charter school private personnel data on current or former personnel related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.
- L. The identity of personnel making a suggestion as part of an organized self-evaluation effort by the school to cut costs, make the school more efficient, or to improve school operations is private.
- M. Health information on personnel is private unless otherwise provided by law. To the extent that the school transmits protected health information, the school will comply with all privacy requirements.
- N. Personal home contact information for personnel may be used by the school and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school or government entity.
- O. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.
- P. When a teacher is terminated immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of Education makes a final determination of child maltreatment involving a teacher, the school principal, or other person having administrative

control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Board of Teaching and the licensing division at MDE with the necessary and relevant information to enable the Board of Teaching and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license.

- Q. In addition to the background check required under Minn. Stat. § 123B.03, the school must contact the Board of Teaching and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school must disseminate to another school private personnel data on a current or former teacher (employee or contractor), including the results of background investigations, if the requesting school seeks the information because the subject of the data has applied for employment with the requesting school.

6. Multiple Classifications

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data are private.

7. Change in Classifications

The school shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

8. Responsible Authority

The school has designated Susan Reiling, Executive Assistant to the Superintendent, 651-290-2225, reilings@spcpa.org as the authority responsible for personnel data.

9. Personnel Authorization/Release Form

A personnel authorization form is included as an addendum to this policy.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. § 13.02 (Definitions)
- ✓ Minn. Stat. § 13.37 (General Nonpublic Data)

- ✓ Minn. Stat. § 13.39 (Civil Investigation Data)
- ✓ Minn. Stat. § 13.43 (Personnel Data)
- ✓ Minn. Stat. § 13.601, Subd. 3 (Elected and Appointed Officials)
- ✓ Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)
- ✓ Minn. Stat. § 122A.40, Subds. 13 and 16 (Employment; Contracts; Termination)
- ✓ Minn. Stat. § 253B.07, Subd. 1 (Prepetition screening)
- ✓ Minn. Stat. 260E (Reporting of Maltreatment of Minors)
- ✓ P.L. 104-191 (HIPAA)
- ✓ 45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

Cross References

- ✓ SPCPA Policy 404 (Employment Background Checks)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 414 (Mandated Reporting of Maltreatment of Minors) SPCPA Policy 515 (Protection and Privacy of Pupil Records)

407 Employee Right to Know – Exposure to Hazardous Substances

1. Purpose

The purpose of this policy is to provide school employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death, serious injury, or harm.

2. General Statement of Policy

It is the policy of this school to provide information and training to employees who may be routinely exposed to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

3. Definitions

- A. **Blood borne pathogens** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- B. **Commissioner** means the Commissioner of Labor and Industry.
- C. **Harmful physical agent** means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or nonionizing.
- D. **Hazardous substance** means a chemical or substance, or mixture of chemicals and substances, which:
 - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
 - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result

- of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- E. **Infectious agent** means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.
- F. **Routinely exposed** means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.

4. Target Job Categories

Training will be provided to all full and part-time employees who are “routinely exposed” to a hazardous substance, harmful physical agent, infectious substance, or blood borne pathogen as set forth above.

5. Training Schedule

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employees assigned to a work area where they are determined to be “routinely exposed” under the guidelines above.
- B. Any employees reassigned to a work area where they are determined to be routinely exposed under the above guidelines.

Legal References

- ✓ Minn. Stat. Ch. 182 (Occupational Safety and Health)
- ✓ Minn. Rules Ch. 5205 (Safety and Health Standards)
- ✓ Minn. Rules Ch. 5206 (Employee Right to Know Standards)
- ✓ 29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

Cross References

- ✓ SPCPA Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)

409 Assignment of Inventions

1. Purpose

The purpose of this policy is to identify and reserve the proprietary rights of the school to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school.

2. Definitions

Inventions related to employment means any publication, instructional material, computer program, invention, or creation in which any equipment, supplies, facility, or trade secret information of the employer was used and which was developed from any work performed by the employee for the employer.

3. Rights

- A. Employees shall immediately disclose and, on demand of the school, assign any rights to inventions or creations related to employment which the employee develops or creates or assists in developing or creating during the term of employee's employment and for one (1) year thereafter.
- B. Employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the school relating to inventions related to employment, including domestic and foreign patents and copyrights.

4. Remedies

The school reserves the right to seek legal remedies upon the demonstration of an employee's breach of this policy including, but not limited to:

- A. Injunctive relief; and/or
- B. Recovery of attorney's fees.

5. Notice

The school shall give employees written notice of this policy by such means as are reasonably likely to inform them of this policy and retain records of acknowledgement for the duration of the right (employment term plus one year).

Legal References

- ✓ Minn. Stat. § 181.78 (Agreements; Terms Relating to Inventions)
- ✓ 17 U.S.C. § 101 et seq. (Copyrights)

410 Family and Medical Leave

1. Purpose

The purpose of this policy is to provide for family and medical leave to school employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and with parental leave under state law.

2. General Statement of Policy

The following procedures and policies regarding family and medical leave are adopted by the school, pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parental leave laws.

3. Definitions

A. **Covered active duty** means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

B. **Covered service member** means:

1. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, and was discharged or released under conditions other than dishonorable, at any time during the period of five years preceding the first date the eligible employee takes FMLA leave to care for the covered veteran.

C. **Eligible employee** means an employee who has been employed by the school for a total of at least twelve (12) months and who has been employed for at least 1,250 hours of service during the twelve-month (12) period immediately preceding the

commencement of the leave. An employee returning from fulfilling his or her Uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. In determining whether the employee met the hours of service requirement, and to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee's fulfillment of his or her USERRA-covered service obligation or a written agreement exists concerning the school's intention to rehire the employee after the break in service.

- D. **Military caregiver leave** means leave taken to care for a covered service member with a serious injury or illness.
- E. **Next of kin of a covered service member** means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin, and the employee may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.
- F. **Outpatient status** means, with respect to a covered service member who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to:
 - 1. a military medical treatment facility as an outpatient; or
 - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving care as outpatients.
- G. **Qualifying exigency** means a situation where the eligible employee seeks leave for one or more of the following reasons:
 - 1. to address any issues that arise from a short-notice deployment (seven (7) calendar days or less) of a covered military member;
 - 2. to attend military events and related activities of a covered military member;

3. to address issues related to childcare and school activities of a covered military member's child;
 4. to address financial and legal arrangements for a covered military member;
 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
 6. to spend up to fifteen (15) calendar days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
 7. to attend post-deployment activities related to a covered military member;
 8. to address parental care needs; and
 9. to address other events related to a covered military member that both the employee and school agree is a qualifying exigency.
- H. **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves:
1. inpatient care in a hospital, hospice, or residential medical care facility; or
 2. continuing treatment by a health care provider.
- I. **Spouse** means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
- J. **Veteran** has the meaning given in 38 U.S.C. § 101.

4. Leave Entitlement

A. **Twelve-week Leave**

1. Eligible employees are entitled to a total of twelve (12) work weeks of unpaid family or medical leave during the applicable twelve-month (12) period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
 - a. the birth of the employee's child or placement of a child for adoption or foster care with the employee
 - b. to bond with a child

- c. to care for the employee's spouse, child, or parent with a qualifying serious health condition;
 - d. the employee's own qualifying serious health condition makes the employee unable to perform the functions of the employee's job; and/or
 - e. any qualifying exigency arising from the employee's spouse, child, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
- 2. For the purposes of this policy, "year" is defined as a rolling twelve-month (12) period measured backward from the date an employee's leave is to commence.
- 3. An employee's entitlement for FMLA leave for the birth, adoption, or foster care of a child expires at the end of the twelve-month (12) period beginning on the date of the birth or placement.
- 4. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short term conditions for which treatment and recovery are very brief.
- 5. A "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means:
 - a. injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
 - b. in the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time, during the period of five (5) years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is:
 - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related

Disability (VASRD) rating of fifty (50) percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

- iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. Eligible spouses employed by the school are limited to an aggregate of twelve (12) weeks of leave during any twelve-month (12) period for the birth and care of a newborn child or adoption of a child, the placement of a child for foster care, or to care for a parent. This limitation for spouses employed by the school does not apply to leave taken by one spouse to care for the other spouse who is seriously ill, to care for a child with a serious health condition, or because of the employee's own serious health condition; or pursuant to Paragraph IV.A.1.e. above.
7. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
8. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within fifteen (15) days from the date of the request or as soon as practicable under the circumstances.
9. If the school has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school's expense. If the opinions of the first and second health care providers differ, the school may require certification from a third health care provider at the school's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
10. Requests for leave shall be made to the school. When leave relates to an employee's spouse, son, daughter, parent, or covered service member being on covered active duty, or notified of an impending call or order to covered active

duty pursuant to Paragraph IV.A.1.e above, and such leave is foreseeable, the employee shall provide reasonable and practical notice to the school of the need for leave. For all other leaves, employees must give thirty (30) days' written notice of a leave of absence where practicable. The failure to provide the required notice may result in the delay of the requested leave. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school, subject to and in coordination with the health care provider.

11. The school may require that a request for leave under Paragraph IV.A.1.e. above be supported by a copy of the covered military member's active duty orders or other documentation issued by the military indicating active duty or a call to active duty status and the dates of active duty service. In addition, the school may require the employee to provide sufficient certification supporting the qualifying exigency for which leave is requested.
12. During the period of a leave permitted under this policy, the school will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school for the cost of the health plan premiums paid by it.
13. The school may request or require the employee to substitute accrued paid leave for any part of the twelve-week (12) period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.
14. The school shall comply with written notice requirements as set forth in federal regulations.
15. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

B. Twelve-week Leave under State Law

An employee who does not qualify for parental leave under Paragraphs IV.A.1.a. or IV.A.1.b. above may qualify for a twelve-week (12) unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined

by the employee but must not exceed twelve (12) weeks unless agreed by the employer. The employee may qualify if he or she has worked for the school for at least twelve (12) months and has worked an average number of hours per week equal to one-half of the full time equivalent during the twelve-month (12) period immediately preceding the leave. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs but may be reduced by any period of paid parental, disability, personal, or medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed twelve (12) weeks, unless agreed by the employer, or leave taken for the same purpose under the FMLA. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave.

For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave must begin within twelve (12) months after the child leaves the hospital.

C. Twenty-six-week Service Member Family Military Leave

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of twenty-six (26) work weeks of leave during a twelve-month (12) period to care for the service member. The leave described in this paragraph shall be available only during a single twelve-month (12) period. For purposes of this leave, the need to care for a service member includes both physical and psychological care.
2. During a single twelve-month (12) period, an employee shall be entitled to a combined total of twenty-six (26) work weeks of leave under Paragraphs IV.A. and IV.C. above.
3. The twelve-month (12) period referred to in this section begins on the first day the eligible employee takes leave to care for a covered service member and ends twelve (12) months after that date.
4. Eligible spouses employed by the school are limited to an aggregate of twenty-six (26) weeks of leave during any twelve-month (12) period if leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement; to care for the employee's parent with a serious health condition; or to care for a covered service member with a serious injury or illness.
5. The school may request or require the employee to substitute accrued paid leave for any part of the twenty-six (26) week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the

implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.

6. An employee will be required to submit sufficient medical certification issued by the health care provider of the covered service member and other information in support of requested leave and eligibility for such leave under this section within fifteen (15) days from the date of the request or as soon as practicable under the circumstances.
7. The provisions of Paragraphs IV.A.7., IV.A.10., IV.A.12., IV.A.13., and IV.A.14. above shall apply to leaves under this section.

5. Special Rules for Instructional Employees

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than twenty (20) percent of the work days in the leave period may be required to:
 1. take leave for the entire period or periods of the planned medical treatment; or
 2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
 1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three (3) weeks, the school may require that the leave be continued until the end of the semester.
 2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five (5) weeks of a semester, the school may require that the leave be continued until the end of the semester if the leave will last more than two (2) weeks or if the employee's return from leave would occur during the last two weeks of the semester.
 3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three (3) weeks of the semester and the leave will last more than five (5) working days, the school may require the employee to continue taking leave until the end of the semester.

- D. The entire period of leave taken under the special rules will be counted as leave. The school will continue to fulfill the school's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

6. Other

The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

7. Dissemination Of Policy

- A. This policy shall be conspicuously posted in each school building in areas accessible to employees.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

Legal References

- ✓ Minn. Stat. §§ 181.940-181.944 (Parenting Leave)
- ✓ 10 U.S.C. § 101 et seq. (Armed Forces General Military Law)
- ✓ 29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)
- ✓ 38 U.S.C. § 101 (Definitions)
- ✓ 29 C.F.R. Part 825 (Family and Medical Leave Act)

412 Expense Reimbursement

1. Purpose

The purpose of this policy is to identify SPCPA business expenses that involve initial payment by an employee and qualify for reimbursement from the school, and to specify how the employee seeks reimbursement.

2. Authorization

All school business expenses to be reimbursed must be approved by the supervising administrator. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees, tips, and other reasonable and necessary school business-related expenses.

3. Reimbursement

Requests for reimbursement must be itemized on the official SPCPA reimbursement form and submitted to the designated administrator. Receipts for lodging, commercial transportation, registration, and other reasonable and necessary expenses must be attached to the reimbursement form. Amounts to be reimbursed shall be within the Board of Directors' approved budget allocations, including attendance at workshops and conventions.

4. Automobile Mileage

- A. Mileage rates will be reimbursed at the current federal rate as specified by the Internal Revenue Services for businesses. The rate will adjust accordingly annually. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip.
- B. The school will maintain a policy for determining mileage reimbursement for employees traveling to or from off-site locations for work-related travel.
- C. The school will not pay for traffic or parking violations or for any other costs related to violations of the law related to the use of the private or rented automobile.

5. Airline Travel Credit

Personnel traveling on behalf of the school may accept and retain frequent flyer miles for their personal use, if they are obtained under the same conditions as those offered to the

general public and at no additional cost to the school. Travel vouchers given to an individual must accrue to the benefit of the school. In the event the issuing airline will not honor a transfer or assignment of any credit or benefit, the individual passenger shall report receipt of the credit or benefit to the school within 90 days of receipt. Individuals may not deliberately patronize a single airline to accumulate frequent flyer miles if a less expensive comparable ticket is available on another airline and may not request reimbursement for any additional expenses incurred due to voluntarily vacating a seat in exchange for credits.

6. Establishment of Directives and Guidelines

The superintendent shall develop a schedule of reimbursement rates for school business expenses, including those expenses requiring advance approval and specific rates of reimbursement. The superintendent shall also develop directives and guidelines to address methods and times for submission of requests for reimbursement.

Legal References

- ✓ Minn. Stat. § 15.435 (Airline Travel Credit)
- ✓ Minn. Stat. § 123B.09, Subd. 2 (School Board Member Training)
- ✓ Minn. Stat. § 471.661 (Out-of-State Travel)
- ✓ Minn. Stat. § 471.665 (Mileage Allowances)
- ✓ Minn. Op. Atty. Gen. 1035 (Aug. 23, 1999) (Retreat Expenses)
- ✓ Minn. Op. Atty. Gen. 161B-12 (Aug. 4, 1997) (Transportation Expenses)
- ✓ Minn. Op. Atty. Gen. 161B-12 (Jan. 24, 1989) (Operating Expenses of Car)

Cross References

- ✓ SPCPA Policy 208 (Purchasing, Procurement, and Contracting)

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.

- 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;

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.

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,

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.

- 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.

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.

- 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.

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.

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

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

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:

- 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

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:

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

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.

- 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:

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.

- 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)

- ✓ 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

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
jacobsc@spcpa.org

Building Report Taker

Brian Goranson, Principal
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414 Mandated Reporting of Maltreatment of Minors

1. Purpose

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child maltreatment.

2. General Statement of Policy

- A. The policy of the school is to fully comply with Minnesota statutes requiring school personnel to immediately report suspected child maltreatment to the local welfare agency, police department, county sheriff, or Minnesota Department of Education (MDE).
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child maltreatment to the local welfare agency, police department, county sheriff, or MDE when the school personnel knows or has reason to believe a child is being maltreated or has been maltreated within the preceding three years.

3. Definitions

- A. **Accidental** means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. **Child** means one under age 18 and, for purposes of Minn. Stat. Ch. 260C (Child Protection) and Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minn. Stat. § 260C.451 (Foster Care Benefits Past Age 18).
- C. **Immediately** means as soon as possible but in no event longer than 24 hours.
- D. **Maltreatment** means any of the following acts or omissions:
 - 1. Egregious harm

2. Neglect
 3. Physical abuse
 4. Sexual abuse
 5. Substantial child endangerment
 6. Threatened injury
 7. Mental injury
 8. Maltreatment of a child in a facility
- E. **Mandated reporter** means any school personnel who knows or has reason to believe a child is being maltreated, or has been maltreated within the preceding three years.
- F. **Mental injury** means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- G. **Neglect** means the commission or omission of any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;
 2. failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so; including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
 4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
 5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
 6. medical neglect as defined by Minnesota statutes;

7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.
9. Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child's care in good faith has selected and depended on those means for treatment or care of disease in lieu of medical care, except where the lack of medical care may cause serious danger to the child's health.

H. **Person responsible for the child's care** means

1. an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or
2. an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

I. **Physical abuse** means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minnesota statutes.

Abuse does not include reasonable and moderate physical discipline of a child administered by parent(s)/guardian(s) which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, administrator, or school employee as allowed by Minnesota statutes.

Actions which are not reasonable and moderate include, but are not limited to, any of the following:

1. throwing, kicking, burning, biting, or cutting a child;
2. striking a child with a closed fist;
3. shaking a child under age three;
4. striking or other actions which result in any nonaccidental injury to a child under 18 months of age;

5. unreasonable interference with a child's breathing;
 6. threatening a child with a weapon;
 7. striking a child under age one on the face or head;
 8. striking a child who is at least age one but under age four on the face or head, which results in an injury;
 9. purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
 10. unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or
 11. in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.
- J. **Report** means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.
- K. **School personnel** means professional employees or their delegates of the school who provide health, educational, social, psychological, law enforcement, or child care services.
- L. **Sexual abuse** means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in Minnesota statutes. Sexual abuse includes threatened sexual abuse, which includes the status of a parent or household member who has committed a violation which requires registration under Minn. Stat. § 243.166, Subd. 1b(a) or (b) (Registration of Predatory Offenders).
- M. **Threatened injury** means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, who has:

1. subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm,
2. been found to be palpably unfit under Minn Stat. § 260C.301 or a similar law of another jurisdiction,
3. committed an act that has resulted in the involuntary termination of parental rights under Minn Stat. § 260C.301, or a similar law of another jurisdiction; or
4. committed an act that has resulted in an involuntary transfer of permanent legal and physical custody of a child to a relative under Minn. Stat. § 260C.201, Minn. Stat. § 260C.515, or a similar law of another jurisdiction.

4. Reporting Procedures

- A. Mandated reporters shall immediately report the maltreatment, which they know or have reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department. The reporters will include their name and address in the report.
- B. Any volunteer or other person interacting with the school who is not a mandated reporter may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person knows, has reason to believe, or suspects a child is being or has been maltreated.
- C. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment and the name and address of the reporter.
- D. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent(s)/guardian(s) of the child that an incident has occurred and may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- E. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.

- F. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- G. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- H. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- I. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for (1) any actual damages suffered by the person or persons so reported and (2) any punitive damages set by the court or jury. The reckless making of a false report may also result in discipline up to and including termination of employment
- J. Additional reports are not required, but if the initial report is not submitted to the MDE, it is recommended that a copy be sent to MDE to support their role in assessing or investigating allegations of child maltreatment in schools.

5. Notification

- A. Regardless of whether a report is made, as soon as practicable after the school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform parent(s)/guardian(s) that:
 - 1. an incident occurred that may constitute maltreatment of the child;
 - 2. when the incident occurred; and
 - 3. the nature of the conduct that may constitute maltreatment.

6. Investigation

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to parent(s)/guardian(s). School officials

may not disclose to parent(s)/guardian(s) the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time, place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions for time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, the school shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency. This investigation will align with other school policies regarding harassment and discrimination where applicable.
- E. Upon request by MDE, the school shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

7. Maintenance of School Records Concerning Abuse or Potential Abuse

All records regarding a report of maltreatment, including any notification of intent to interview a child at school, shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

8. Physical or Sexual Abuse as Sexual Harassment or Violence

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota or federal law. If so, the duties relating to the reporting and investigation of such harassment or violence may also be applicable.

9. Retaliation Prohibited

The school shall not retaliate against the person for reporting in good faith maltreatment of a child, or against a child with respect to whom a report is made, because of the report.

10. Dissemination Of Policy and Training

- A. This policy shall appear in school personnel handbooks.
- B. The school will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. § 121A.58 (Corporal Punishment)
- ✓ Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
- ✓ Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)
- ✓ Minn. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)
- ✓ Minn. Stat. § 245.825 (Aversive or Deprivation Procedures)
- ✓ Minn. Stat. Ch. 260C (Juvenile Safety and Placement)
- ✓ Minn. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)
- ✓ Minn. Stat. 260E (Reporting of Maltreatment of Minors)
- ✓ Minn. Stat. § 609.02, Subd. 6 (Definitions – Dangerous Weapon)
- ✓ Minn. Stat. § 609.341, Subd. 10 (Definitions – Position of Authority)
- ✓ Minn. Stat. § 609.341, Subd. 15 (Definitions – Significant Relationship)
- ✓ Minn. Stat. § 609.379 (Reasonable Force)
- ✓ 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)

415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

1. Purpose

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

2. General Statement of Policy

- A. The policy of the school is to fully comply with Minn. Stat. § 626.557 requiring school personnel to immediately report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

3. Definitions

- A. **Abuse** means:
 - 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:
 - a. assault in the first through fifth degrees as defined in sections 609.221 to 609.224;
 - b. the use of drugs to injure or facilitate crime as defined in section 609.235;
 - c. the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and
 - d. criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

2. Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:
 - a. hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;
 - b. use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;
 - c. use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and
 - d. use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.
3. Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.
4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.

- B. **Caregiver** means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- C. **Financial exploitation** means:
1. A person who:
 - a. engages in unauthorized expenditure of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adults; or
 - b. fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.
 2. In the absence of legal authority a person who:
 - a. willfully uses, withholds, or disposes of funds or property of a vulnerable adult;

- b. obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult;
- c. acquires possession or control of, or an interest in, funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or
- d. forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another.

Nothing in this definition requires a facility or caregiver to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

- D. **Immediately** means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
 - E. **Maltreatment** means the neglect, abuse, or financial exploitation of a vulnerable adult.
 - F. **Mandated reporters** means any school personnel who have reason to believe that a vulnerable adult is being or has been maltreated.
 - G. **Neglect** means:
 - 1. the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:
 - a. reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
 - b. which is not the result of an accident or therapeutic conduct.
 - 2. the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.
- Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 17.
- H. **School personnel** means professional employees or their delegates of the school who provide health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
 - I. **Vulnerable adult** means any person 18 years of age or older who:

1. is a resident or inpatient of a facility;
2. receives services required to be licensed under Minn. Stat. Ch. 245A, except as excluded under Minn. Stat. § 626.5572, Subd. 21(a)(2);
3. receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or
4. regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect themselves from maltreatment.

4. Reporting Procedures

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point, MN Adult Abuse Reporting Center (MAARC).
- B. Whenever a mandated reporter knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult who results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose nonpublic data as defined under Minn. Stat. § 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive

damages set by the court or jury. The intentional making of a false report may result in discipline.

5. Investigation

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

6. Physical Or Sexual Abuse As Sexual Harassment Or Violence

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota or federal law. If so, the duties relating to the reporting and investigation of such harassment or violence may also be applicable.

7. Retaliation Prohibited

Retaliation against a person who makes a good faith report under Minnesota law and this policy or against vulnerable adult who is named in a report is prohibited.

8. Dissemination of Policy and Training

- A. This policy shall appear in school personnel handbooks where appropriate.
- B. The school will develop a method of discussing this policy with employees where appropriate.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References

- ✓ Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)
- ✓ Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
- ✓ Minn. Stat. §§ 609.221-609.224 (Assault)
- ✓ Minn. Stat. § 609.234 (Crimes against the Person)
- ✓ Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
- ✓ Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
- ✓ Minn. Stat. § 609.341 (Definitions)
- ✓ Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
- ✓ Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
- ✓ Minn. Stat. § 626.5572 (Definitions)
- ✓ In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)

417 Chemical Use and Abuse

1. Purpose

The Saint Paul Conservatory for Performing Artists Board of Directors recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. The Board of Directors believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

2. General Statement of Policy

- A. Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the school setting in accordance with the Drug-Free Workplace/Drug-Free School policy.
- B. It is the policy of this school to provide an instructional program in chemical abuse and the prevention of chemical dependency.
- C. The school shall establish and maintain a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The school shall establish and maintain a program to educate and assist employees, students, and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

3. Definitions

- A. **Chemical abuse** means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.
- B. **Chemicals** includes but is not limited to alcohol, toxic substances, medical cannabis, and controlled substances as defined in the Drug-Free Workplace/Drug-Free School policy.
- C. **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.

4. Students

A. **Instruction**

1. The school shall provide an instructional program in chemical abuse and the prevention of chemical dependency.
2. The school shall have age-appropriate and developmentally based activities that:
 - a. address the consequences of violence and the illegal use of drugs, as appropriate;
 - b. promote a sense of individual responsibility;
 - c. teach students that most people do not illegally use drugs;
 - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
 - e. teach students about the dangers of emerging drugs;
 - f. engage students in the learning process.
3. The school shall disseminate drug and violence prevention information within the school.
4. The school shall have professional development and training for, and involvement of, school personnel, student services personnel, and interested families in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
5. The school shall have drug and violence prevention activities that involve families, and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs. Activities may include:
 - a. Hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.

- b. Conflict resolution programs, which could include peer mediation programs that educate and train peer mediators, a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
- c. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
- d. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

1. If a school employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:
 - a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
 - b. The administrator will notify the student's parent(s)/guardian(s). If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
 - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.
 - d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school officials shall be in accordance with school policies.
 - e. The school will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If a school employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:
 - a. The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator will determine what action should be taken. Action may include investigating, gathering data, scheduling a conference with the student or parent(s)/guardian(s), or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.

- b. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
3. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, and proposed for expulsion.
4. Searches by school officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with school policies.

C. Preassessment Team

1. The school shall have a chemical abuse preassessment team designated by the superintendent or designees. The team will be composed of classroom teachers, administrators, and other appropriate professional staff.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall determine whether to provide the student and, in the case of a minor, the student's parent(s)/guardian(s) with information about community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. §13.32 and applicable federal law and regulations.
2. Destruction of Records
 - a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parent(s)/guardian(s) with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
 - b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parent(s)/guardian(s) with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.

- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. §138.163.

E. **Consent**

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

5. Employees

- A. The superintendent or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:
1. The dangers and health risks of chemical abuse in the workplace/school.
 2. The school's drug-free workplace/drug-free school policy.
 3. Any available drug or alcohol counseling, rehabilitation, and assistance programs available.
 4. The penalties that may be imposed on employees for drug abuse violations.
- B. The superintendent or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the superintendent or designee.

Legal References

- ✓ Minn. Stat. § 13.32 (Educational Data)
- ✓ Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
- ✓ Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
- ✓ Minn. Stat. § 138.163 (Records Management Act)
- ✓ Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
- ✓ Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
- ✓ Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
- ✓ 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
- ✓ 20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)
- ✓ 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
- ✓ 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- ✓ SPCPA Policy 418 (Drug-Free Workplace/Drug Free School)

- ✓ SPCPA Policy 501 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)

418 Drug-Free Workplace/Drug-Free School

1. Purpose

The purpose of this policy is to maintain a safe and healthful environment for employees and students of the Saint Paul Conservatory for Performing Artists by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician's prescription.

2. General Statement of Policy

- A. Use of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any student, teacher, administrator, other school personnel, or member of the public to use or possess alcohol, toxic substances, medical cannabis, or controlled substances at school or in any other school location.
- C. The school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

3. Definitions

- A. **Alcohol** includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. **Controlled substances** include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. **Medical cannabis** means the plant of any species of the genus *Cannabis*, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:
 - 1. liquid, including, but not limited to, oil;
 - 2. pill;

- 3. vaporized delivery method with use of liquid or oil, but which does not require the use of dried leaves or plant form; or
 - 4. any other method, excluding smoking, approved by the Minnesota Commissioner of Health.
- D. **Toxic substances** includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- E. **Use** includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- F. **Possess** means to have on one's person, in one's effects, or in an area subject to one's control.
- G. **School location** includes any school building or on any school-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.

4. Exceptions

- A. It shall not be a violation of this policy for a person to bring onto a school location, for such person's own use, a controlled substance, except medical cannabis, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. §624.701.1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

5. Procedures

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, must comply with the student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such

controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employees must inform their supervisor. The employees may be required to provide a copy of the prescription.

- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location.
- F. No person is permitted to possess or use medical cannabis at the school or in any school location.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. §624.701.1a, shall be by permission of the Board of Directors only. The applicant shall apply for permission in writing and shall follow the board's procedures for placing an item on the agenda.

6. Enforcement

A. **Students**

- 1. A student who violates the terms of this policy shall be subject to discipline in accordance with the school's discipline policy. Such discipline may include suspension or expulsion from school.
- 2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials, when appropriate.

B. **Employees**

- 1. As a condition of employment in any federal grant, employees who are engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify their supervisor in writing of their conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school federal grant is performed, no later than five (5) calendar days after such conviction.
- 2. An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, termination, or discharge as deemed appropriate by the Board of Directors.
- 3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school. Any employee who fails to satisfactorily participate in and complete such a program is subject to non-

renewal, suspension, or termination as deemed appropriate by the Board of Directors.

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

C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

Legal References

- ✓ Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
- ✓ Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
- ✓ Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
- ✓ Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
- ✓ Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
- ✓ Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
- ✓ Minn. Stat. § 624.701 (Liquor Alcohol in Certain Buildings or Grounds)
- ✓ 20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)
- ✓ 21 U.S.C. § 812 (Schedules of Controlled Substances)
- ✓ 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
- ✓ 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
- ✓ 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 417 (Chemical Use and Abuse)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 516 (Student Medication)

419 Tobacco-Free Environment

1. Purpose

The purpose of this policy is to maintain a learning and working environment at the Saint Paul Conservatory for Performing Artists that is tobacco-free.

2. General Statement of Policy

- A. It shall be a violation of this policy for any student, teacher, administrator, other school personnel or person to smoke or use tobacco, tobacco-related devices, or electronic cigarette at school or in any other school location.
- B. It shall be a violation of this policy for any school student to possess any type of tobacco, tobacco-related devices, or electronic cigarette at school or in any other school location.
- C. The school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.
- D. The school will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The school will not promote or allow promotion of tobacco products or electronic cigarettes at school or in any other school location.

3. Definitions

- A. **Electronic cigarette** means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance for human consumption, and the use or inhalation of which simulates smoking. This includes any devices sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.
- B. **Tobacco** means cigarettes and any product containing, made, or derived from tobacco for human consumption by being chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component or accessory of a tobacco product including, but not limited to: cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.

- C. **Tobacco-related devices** means cigarette papers or pipes for smoking or other devices intended to be used to enable chewing, electronic delivery, heating, sniffing, smoking, or inhalation of vapors of tobacco.
- D. **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.
- E. **Smoking** means use or production of smoke or vapor from any lit cigar, cigarette, pipe, or other tobacco-related device or electronic cigarette including via inhalation, electronic delivery, heating, exhalation, or carrying a lit cigar, cigarette, pipe, or any other active smoking equipment.

4. Exceptions

- A. It shall not be a violation of this policy for an American Indian adult to light tobacco on school property as a part of a traditional Indian spiritual or cultural ceremony. An American Indian is a person who is a member of an American Indian tribe as defined under Minnesota law.
- B. It shall not be a violation of this policy for an adult nonstudent to possess a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

5. Enforcement

- A. All individuals on school premises shall adhere to this policy.
- B. Students and school personnel who violate this tobacco-free policy shall be subject to school discipline procedures.
- C. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school policies.
- D. Persons who violate this tobacco-free policy may be referred to the building administration or other school supervisory personnel responsible for the area or program at which the violation occurred.
- E. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public

school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeat violator.

- F. No one will be discharged, refused to be hired, or be subject to penalty, discrimination, or retaliation for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

6. Dissemination of Policy

- A. This policy shall appear in the student handbook.
- B. The school will develop a method of discussing this policy with students and employees.

Legal References

- ✓ Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)
- ✓ Minn. Stat. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)
- ✓ Minn. Stat. § 609.685 (Sale of Tobacco to Children)
- ✓ 2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References

- ✓ SPCPA Policy 102 (Complaints)
- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

420 Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions

1. Purpose

Public concern that students and staff of the Saint Paul Conservatory for Performing Artists be able to attend the school without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the Board of Directors adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

2. General Statement of Policy

A. **Students**

It is the policy of the Board of Directors that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. **Employees**

It is the policy of the Board of Directors that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks

assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school will be made on a case-by-case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties) and the probabilities the disease will be transmitted and will cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.
2. The Board of Directors recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, who have oozing skin lesions or who have severe disorders which result in spontaneous external bleeding. These conditions will be considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The school superintendent, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The risks to the student shall be determined by the student's physician.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular, and non-educational programs of the school are subject to a requirement of equal access and comparable services.

F. Precautions

The school will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration guidelines

of the Minnesota Department of Education and the Minnesota Department of Health. (These precautionary procedures shall be consistent with the school's procedures regarding blood-borne pathogens developed pursuant to the school's employee right to know policy.)

G. Information Sharing

1. Employee and student health information shall be shared within the school only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee and student health data shall be shared outside the school only in accordance with state and federal law and with the school's policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. Prevention

The school shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases and infections in accordance with Minn. Stat. §121A.23 that is consistent with the health and wellness curriculum and includes:

1. planning materials, guidelines, and other technically accurate and updated information;
2. a comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
3. cooperation and coordination among schools and Service Cooperatives;
4. a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
5. involvement of parent(s)/guardian(s) and other community members;
6. in-service training for appropriate staff and Board of Directors' members;
7. collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
8. collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease risk reduction program; and

9. participation by state and local student organizations.

The school may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

J. **Vaccination and Screening**

The school will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings in keeping with current state and federal law. The procedures shall offer the Hepatitis B vaccination series and post-exposure evaluation and follow-up at no cost to all who have occupational exposure, at a reasonable time and place, and performed by or under supervision of a licensed healthcare professional, in accordance with U.S. Public Health Service recommendations.

Legal References

- ✓ Minn. Stat. § 121A.23 (Health-Related Programs)
- ✓ Minn. Stat. § 144.441-442 (Tuberculosis)
- ✓ Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- ✓ 20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Improvement Act of 2004)
- ✓ 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)
- ✓ 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)
- ✓ 29 C.F.R. 1910.1030 (Occupational Exposure to Bloodborne Pathogens)
- ✓ Kohl by Kohl v. Woodhaven Learning Center, 865 F.2d 930 (8th Cir.), cert. denied, 493 U.S. 892, 110 S.Ct. 239 (1989)
- ✓ School Board of Nassau County, Fla. v. Arline, 480 U.S. 273, 107 S.Ct. 1123 (1987)
- ✓ 16 EHLR 712, OCR Staff Memo, April 5, 1990

Cross References

- ✓ SPCPA Policy 402 (Disability Nondiscrimination)
- ✓ SPCPA Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)
- ✓ SPCPA Policy 505 (Student Disability Nondiscrimination)

421 Conflicts of Interest – Employees and School Officials

1. Purpose

In accordance with the Uniform Grant Guidance of the Federal Code of Regulations, this policy establishes written standards of conduct regarding conflicts of interest and governance of the performance of Saint Paul Conservatory for Performing Artists (SPCPA) employees and school officials engaged in purchasing, procurement, and/or the selection of contracts.

2. General Statement of Policy

School employees and officials shall hold themselves to a high ethical standard when engaged in the purchasing, procurement, and the selection of contracts. No SPCPA employee or school official shall engage in any business or transaction or shall have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties or would impair his or her independence, judgment, or action in the performance of his or her official duties. Failure to comply with these standards shall subject the employee or official to disciplinary action.

3. Definitions

- A. **Personal interest** means an interest arising from:
1. blood or marriage relationships;
 2. domestic partnerships;
 3. status of dependent of the person;
 4. member of the same household; and/or
 5. close business or political associates.
- B. **Conflict of interest** includes but is not limited to:
1. use of confidential information, obtained as a result of public position, for personal gain;
 2. any use of official position for personal gain;
 3. possession of investments that interfere, or tend to interfere, with the proper discharge of public duty;

4. representation by employees or school officials of private interests to the SPCPA Board of Directors and participation in profits from such representation;
5. participation in transactions as a public representative with a business entity in which the employee or school official has a direct or indirect financial or other personal interest;
6. entry by SPCPA into contracts or other conduct of business for profit with a business in which an employee or school official has a substantial or controlling interest and when the employee or school official can influence such a contract or business because of his or her position; and/or
7. solicitation or acceptance of gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

4. Disclosure

Employees and school officials engaged in purchasing, procurement, and/or the selection of contracts will disclose to the superintendent and the treasurer of the Board of Directors any personal interest that he or she may have in any matter pending before the organization. This disclosure of potential conflict of interest must be in writing and submitted to the superintendent and treasurer of the Board of Directors. Any individual found to have a conflict of interest regarding the procurement of equipment, goods, services, supplies, or the selection of contracts will refrain from participation in any decision on such matter.

5. Disciplinary Actions

Employees or school officials found to be in violation of this policy are subject to district disciplinary policies and procedures, up to and including termination of employment.

Legal Reference

- ✓ Code of Federal Regulations § 200.318

Cross Reference

- ✓ SPCPA Policy 306 (Code of Ethics)

426 Nepotism in Employment

1. Purpose

The purpose of this policy is to establish consistent employment guidelines and to prevent situations where an individual may have or be perceived to have unfair influence over the career development, work assignments, work direction, performance reviews, or compensation of a family member who is also employed by the charter school.

2. General Statement of Policy

SPCPA may employ family members of current employees. However, to be hired, transferred, or promoted, close family members may not be assigned to the following:

- A. Positions where one can influence the employment conditions or career of the other. This includes decisions involving hiring, termination, compensation, performance evaluation, discipline, promotional opportunities, and work assignments; or
- B. Positions where one reports to, directs the work of, or otherwise has direct or indirect supervision of another close family member.

3. Definitions

- A. **Close Family Member** means an employee's parent, spouse, child (including adopted child), sibling, grandmother, grandfather, grandchildren, niece, nephew, aunt, uncle, first cousin, all step relatives including stepchild, stepmother, stepfather, stepsister and stepbrother, in-law relationships including father- and mother-in-law, daughter- and son-in-law, brother- and sister-in-law, ward of the employee or employee's spouse, domestic partner, or person cohabitating in the employee's household regardless of the degree of relationship.
- B. **Direct or Indirect Supervision** is defined as the authority to make, participate in, or recommend employment and/or compensation related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

4. Application to Board Members

Members of the Board of Directors are not considered to have direct or indirect supervision except in situations when they are called upon to act specifically on matters of employment status or compensation for an applicant or employee. In such cases, members shall abstain from the action when a close family member is involved.

5. Exceptions; Special Circumstances

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature.

Any exception must be reviewed and approved in writing by the Superintendent. Any direct or indirect supervision relationship approved by the Superintendent shall be reported to the Board of Directors. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other supervisory personnel or, if no other supervisory personnel exist, to the Board of Directors. Exceptions involving the Superintendent and a close family member of the Superintendent shall be approved in writing by the Board of Directors.

6. Addressing Existing Conflicts and Changes In Relationship Between Employees

Any school employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the Superintendent of such relationship. The Superintendent shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section V of this policy. Any direct or indirect supervision relationship approved by the Superintendent under Section V shall be reported to the Board of Directors. The Superintendent shall promptly notify the Board of Directors of any direct or indirect supervision relationship which arises concerning a close family member of the Superintendent. All such direct or indirect supervision relationships involving the Superintendent shall be resolved by the Board of Directors in accordance with this policy.

7. Compliance With Equal Opportunity and Discrimination Laws

Nothing in this policy shall be construed as discouraging the employment of close family members for positions that do not involve direct or indirect supervision. Nothing in this policy shall be construed to otherwise limit the employment opportunities of any person employed by the Saint Paul Conservatory for Performing Artists.

Cross Reference

- ✓ SPCPA Policy 306 (Code of Ethics)

427 Special Education Staff Workload

1. Purpose

The purpose of this policy is to consider both caseload (number of students receiving special education services) and workload (number of hours completing due process paperwork and providing special education services) when analyzing special education teaching staffing within the school.

2. General Statement of Policy

The Saint Paul Conservatory for Performing Artists will calculate a ratio using the method below to determine a workload that falls within the state recommended guidelines for effective workload in special education for students that spend less than 60% of their day in special education. However, it is noted that administration may use discretion to deviate from this process with adequate documentation to meet individual IEP needs such as in the case of staffing for paraprofessional supports either as special education program paraprofessionals or one-to-one student to paraprofessional supports.

3. Definitions

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

- A. **Direct services** means special education services provided by a teacher or a related service professional when the services are related to instruction, including cooperative teaching.
- B. **Indirect services** means special education services which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe. Indirect services may be provided by a teacher or related services professional to another regular education, special education teacher, related services professional, paraprofessional, support staff, parents, and public and nonpublic agencies to the extent that the services are written in the pupil's IEP and IFSP.
- C. **Workload** means a special education teacher's workload and is defined as the total number of minutes required for all due process responsibilities including direct and indirect services, evaluation and reevaluation time, IEPs managed, travel time, parental contact, and other services required in the IEPs of eligible students.

4. Procedures Related to Special Education Staff Workload

- A. For students who receive direct special education 60% or less of the instructional day, the district will determine workload limits for special education staff based upon the following:
1. Direct Services
 2. Indirect Services
 3. Evaluations and Re-Evaluations include an evaluation planning meeting, testing, observations, reviewing student records, managing testing from outside agencies, report writing, and an evaluation results meeting. For the purpose of determining workload, a special education evaluation or re-evaluation typically averages approximately eight hours per completed report. To calculate this portion of the workload, the total number of evaluations and re-evaluations is multiplied by eight hours.
 4. Other Due Process requirements may consist of, but are not limited to: meetings for IEP's and periodic reviews, development and writing of the IEP, and the overall "paperwork" requirements. This time typically averages about two hours per student. To calculate this portion of the workload, the number of students receiving special education services is multiplied by two hours.
 5. Preparation time is agreed upon through teacher contracts at hiring. This time may consist of, but is not limited to: curriculum modification, data collection, preparing materials for teachers or paraprofessionals, completing due process paperwork. Teachers receive one 80-minute period per day of preparation time.
 6. Professional Learning Community (PLC) time is allotted per teacher contract. Through the state's Q-Comp program, one 80-minute period every other day is dedicated to professional development.
- B. Each teacher will submit annually a completed workload grid that includes the direct and indirect minutes provided by the special education teacher as described on each student's IEP, as well as the number of evaluations/re-evaluations that are expected in the coming school year. [Workload Analysis Form]
- C. "Areas to Determine Workload" are added together as described below:

Direct/ Indirect Total	Evaluation/Re- evaluation Total	Other Due Process Totals	Total Minutes/Week	Instructional Minutes/Week (minus 30 Min Lunch/Day 80 Min PLC/EO Day, and 80 Min Prep/Day) = 1,540 Min	FTE

				Week/Staff Member	
XXX Min/Week	XXX Min/Week	XXX Min/Week	XXX Min/Week	1,540 Min Week/Staff Member	

To calculate the workload, the total direct/indirect service minutes per week are added to the evaluation/re-evaluation and other due process totals to determine total minutes per week. Instructional minutes are determined by multiplying the number of minutes available for instruction by five days. Services at SPCPA are provided individually and in small groups in the general education and special education classrooms. Accordingly, the number of students a Special Education Teacher instructs will vary. For workload purposes, an average of four students per instructional hour is used (This factor is periodically evaluated and may change upward or downward depending on student need). To determine Special Education Teacher provider minutes, the instructional minutes per week are multiplied by four. To determine the number of FTE's necessary for the school year, the total Service Minutes are divided by the total number of Special Education Teachers providing minutes.

According to the workload considerations for Effective Special Education from Minnesota Department of Education, a suggested caseload for high school students is between 17 and 21. The teacher workload at SPCPA falls within this range.

- D. In addition, a Caseload Model will be used when determining the caseload of a special education teacher when they serve students who receive special education support 60% or more of their educational day (Federal Setting 3 & 4) per Minnesota Rules.
1. The maximum number of school-age pupils that may be assigned to a teacher:
 - a. for pupils who receive direct special instruction from a teacher 60 percent or more of the instructional day, but less than a full school day:
 - i. deaf-blind, autism spectrum disorders, developmental cognitive disability: severe-profound range, or severely multiply impaired, three (3) pupils;
 - ii. deaf-blind, autism spectrum disorders, developmental cognitive disability: severe-profound range or severely multiply impaired with one paraprofessional, six (6) pupils;

- iii. developmental cognitive disability: mild-moderate range or specific learning disabled, 12 pupils;
 - iv. developmental cognitive disability: mild-moderate range or specific learning disabled with one paraprofessional, 15 pupils;
 - v. all other disabilities with one paraprofessional, ten (10) pupils;
 - vi. all other disabilities with two paraprofessionals, 12 pupils;
 - vii. under special circumstances, for students who receive special education services for 60 percent or more of the instructional day, that are highly disruptive or create an unsafe environment due to the high behavioral or mental health needs of the students, the school has the option of lowering the number of such students in the classroom, so that both students and staff are safe.
- E. The school may have a combination of Federal Settings from level I to IV. In such a case, the administrative team at SPCPA may use a combination of both models to determine the appropriate workloads and caseloads for special education staff members.

Legal References

- ✓ Minn. Rule 3525.0210 (Definitions)
- ✓ Minn. Rule 3525.2340 Subp. 4(A)(1) (Case Loads)

501 School Weapons

1. Purpose

The purpose of this policy is to assure a safe environment at the Saint Paul Conservatory for Performing Artists for students, staff, and the public.

2. General Statement of Policy

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

3. Definitions

A. **Weapon**

1. A weapon means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices, or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No person shall use articles designed for other purposes (e.g., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

- B. **School Location** includes any school building or 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.

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

4. Exceptions

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the executive director's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the executive director's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher, or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a student or nonstudent falls within one of the following categories:
1. active licensed peace officers, military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
 2. persons authorized to carry a pistol under Minn. Stat. §624.714, while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
 3. persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat. §§624.714 or 624.715, or other firearms in accordance with Minn. Stat. §97B.045;
 - a. Minn. Stat. §624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Minn. Stat. §624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
 - b. Minn. Stat. §97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with Minn. Stat. §§624.714 and 624.715.
 4. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
 5. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
 6. a gun or knife show held on school property;

7. possession of dangerous weapons, BB guns, or replica firearms with written permission of the executive director or other person having general control and supervision of the school; or
8. persons who are on unimproved property owned or leased by the school or unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

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

D. Firearms in School Parking Lots and Parking Facilities

The school does not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minn. Stat. §624.714, to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder’s vehicle shall constitute a violation of this policy.

5. Consequences for Student Weapon Possession/Use/Distribution

- A. The school does not allow the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:
 1. immediate out-of-school suspension;
 2. confiscation of the weapon;
 3. immediate notification of police;
 4. parent(s)/guardian(s) notification; and
 5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The board may modify this requirement on a case-by-case basis.

C. **Administrative Discretion**

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

6. Consequences for Weapon Possession/Use/Distribution by Nonstudents

A. **Employees**

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the board.
2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

B. **Other Nonstudents**

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another school, that school may be contacted concerning the policy violation.
2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

Legal References

- ✓ Minn. Stat. § 97B.045 (Transportation of Firearms)
- ✓ Minn. Stat. § 121A.05 (Referral to Police)
- ✓ Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
- ✓ Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
- ✓ Minn. Stat. § 609.02.6 (Definition of Dangerous Weapon)
- ✓ Minn. Stat. § 609.605 (Trespass)
- ✓ Minn. Stat. § 609.66 (Dangerous Weapons)
- ✓ Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)
- ✓ Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)
- ✓ 18 U.S.C. § 921 (Definition of Firearm)
- ✓ *In re C.R.M.* 611 N.W.2d 802 (Minn. 2000)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 525 (Violence Prevention)

502 Search of Student Lockers, Desks, Personal Possessions, and Student's Person

1. Purpose

The purpose of this policy is to provide for a safe and healthful educational environment at Saint Paul Conservatory for Performing Artists by enforcing the school's policies against contraband.

2. General Statement of Policy

A. **Lockers and Personal Possessions within a Locker**

Pursuant to Minnesota statutes, school lockers are the property of the school. At no time does the school relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

B. **Desks**

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

C. **Personal Possessions and Student's Person**

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

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

3. Definitions

- A. **Contraband** means any unauthorized item possession of which is prohibited by school policy and/or law. It includes but is not limited to weapons and “look-alikes,” alcoholic beverages, controlled substances and “look-alikes,” overdue books and other materials belonging to the school, and stolen property.
- B. **Personal possessions** includes but is not limited to purses, backpacks, bookbags, packages, and clothing.
- C. **Reasonable suspicion** means that a school official has grounds to believe that the search will result in evidence of a violation of school policy, rules, and/or law. Reasonable suspicion may be based on a school official’s personal observation, a report from a student, parent(s)/guardian(s) or staff member, a student’s suspicious behavior, a student’s age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. **Reasonable scope** means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

4. Procedures

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student’s person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student’s person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.

- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.
- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The school shall provide a copy of this policy to a student when the student is given use of a locker.

5. Directives and Guidelines

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

6. Seizure of Contraband

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

7. Violations

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

Legal References

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

Cross References

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

503 Attendance and Participation

1. Purpose

The Minnesota Compulsory Attendance Law Minn. Stat. §120A.22 establishes that every child enrolled in kindergarten through age 17 shall receive instruction, unless the child has graduated. The Saint Paul Conservatory for Performing Artists recognizes that daily attendance and participation are critical to academic achievement and therefore expects every student to attend school and class on time every day.

2. General Statement of Policy

The attendance and participation policy is guided by the following set of values. In some instances, these values may compete with each other. The attendance and participation policy attempts to balance these values in the best interest of students and the school community.

- A. Student academic achievement is the primary goal of SPCPA. Although learning occurs in a variety of settings, time in class is essential to learning so that students can receive instruction and contribute as members of the community of learners.
- B. School staff, students, families, and the community share responsibility for student attendance and participation. To assure student safety and accountability, families need to know daily if their students are absent from school, including the maintenance of accurate attendance records for classes and study halls. School staff has responsibility for communicating with families, and providing missed assignments upon student or family request. Families have the responsibility for making decisions about their children's schooling and to work with the school and the student to cooperatively address attendance problems, should they arise.
- C. All students receive equitable opportunity and treatment. Students have individual needs that must be considered. Students also have the responsibility to attend all assigned classes and study halls when school is in session, or follow the correct procedures if they will be absent. Students also have the responsibility to request and complete any missed assignments due to absences.

3. Student Attendance Procedures

- A. **Excused Absences**. The goal of the SPCPA attendance and participation policies is to promote student attendance and participation and assure that absences are effectively addressed. Frequent absences limit an individual student's performance and may also have an impact on the learning of others. Additional detail for

absence reporting is included in the Student and Parent Handbook. Excused absences are reported to the school on the day of absence, or within two (2) school days after and include one or more of these reasons in the report:

1. Illness of the student or serious illness in the student's immediate family, with appropriate medical documentation;
2. A death or funeral in the student's immediate family or of a close friend or relative;
3. Medical, dental, or orthodontic treatment, or counseling appointment;
4. Ongoing treatment for a mental health diagnosis;
5. Family emergencies;
6. Religious instruction, limited to three hours per week;
7. Court appearances;
8. Physical emergency conditions such as fire or severe weather;
9. Official school field trip or school-sponsored event;
10. Out of school suspension; or
11. Active duty service in any military branch.

Students with excused absences are required to make up assignments missed or complete alternatives within a reasonable time specified by the classroom teacher(s).

- B. **Predicted Extended Absences** (PEA). If a student expects an extended absence, it is the student's responsibility to contact the Dean of Students with details of the absence. The student 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.
- C. **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. 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. 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.

D. **Unexcused Absences and Tardiness.** If an absence is not reported as required, it is considered unexcused, but can be appealed with documentation. Misuse of the restroom or a pass may also result in being marked as tardy or absent for the class. Lunch detention and other consequences under the student discipline policy may be assigned for the following unexcused absences:

1. **Absent Unexcused (AUE).** Students are considered AUE for a period or a day if they do not attend school or the period and their parent(s)/guardian(s), within two (2) school days, do not provide an attendance hotline message sufficient to mark the absence excused.
2. **Tardy Unexcused (TUE).** Students accumulating three (3) TUE in a period will be marked as one (1) AUE for that period. Additional consequences may be assigned for more than three (3) accumulated TUE.
3. **Tardy Equals Absent (TEA).** Arriving more than ten (10) minutes late to 1st period, or more than 5 minutes late to subsequent periods is considered TEA if not accompanied, within two (2) school days, by an attendance hotline message sufficient to mark the absence excused. Additional penalties may be assigned for more than three (3) accumulated TEA.
4. **Ten-Absence Rule.** Students with five (5) unexcused absences will be placed on an attendance contract. Students that incur seven (7) limited excused/unexcused absences will be placed on an attendance contract. Students placed on an attendance contract (prior to the tenth (10th) absence) that incur ten (10) unexcused absences and/or limited excused 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).
 - a. Parent(s)/guardian(s) will receive notification prior to and after the tenth (10th) absence in a course.
 - b. 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.
 - c. Students will remain in class until the appeals process is completed.
 - d. Some excused absences may be counted in the Ten-Absence Rule, including, but not limited to:
 - i. Illness of the student or serious illness in the student’s immediate family without medical documentation;
 - ii. Medical, dental, or orthodontic treatment, or counseling appointment that cannot be made outside of class time (may require doctor verification);
 - iii. Pre-arranged personal or family vacations;

- iv. Family emergencies; or
 - v. College visit (may require verification).
5. **County Intervention for Unexcused Absences.** The school reports unexcused absences to the appropriate county authorities, and any interventions by the county is based on the truancy policy of the county where the student resides.
- E. **Partial School Absence.** Students arriving late to school or a class must report to the main office or an administrative support desk to receive a pass to class. Any student who must leave at any time during the school day must have parent(s)/guardian(s) call the attendance hotline or submit a signed note to the main office or an administrative support desk to receive a pass to leave class. After leaving class, students must sign out, or they will be marked unexcused, even with a call from parent(s)/guardian(s) after the fact.
- F. **Open Lunch.** Failure to return on time from open lunch period will result in a TUE or TEA and will count toward the Ten-Absence Rule.
- G. **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 an administrator and complete all necessary documentation. Students with an Early Release contract must leave school grounds.

4. Dissemination of Policy

This policy will be made available to parent(s)/guardian(s) each year through the school website, with procedures listed in the Parent and Student Handbook. The policy will also be available upon request in the main office.

5. Reporting

- A. **Continuing Truant.** The state requires a student to be classified as a continuing truant if the student is absent from three (3) or more class periods on three (3) days. On classification as a continuing truant, an administrator will notify the parent(s)/guardian(s) via email or mail that:
- 1. The child is truant;
 - 2. The parent(s)/guardian(s) should notify the school if there is a valid excuse for the absences;
 - 3. The parent(s)/guardian(s) are obligated to compel the attendance of the child at school pursuant to Minn. Stat. §120A.22 and failing to meet this obligation may incur prosecution under Minn. Stat. §120A.34;
 - 4. This notification serves as the notification required by Minn. Stat. §120A.34;
 - 5. Alternative educational programs and services may be available in the student's resident district;

6. The parent(s)/guardian(s) have the right to meet with appropriate school personnel to discuss solutions to the student's truancy;
7. If the student continues to be truant, the parent(s)/guardian(s) and child may be subject to juvenile court proceedings under Minn. Stat. Ch. 260;
8. If the student is subject to juvenile court proceedings, the student may be subject to suspension, restriction, or delay of the student's driving privilege pursuant to Minn. Stat. §260C.201; and
9. It is recommended that the parent(s)/guardian(s) accompany the child to school and attend classes with the child for one day.

B. Habitual Truant

1. A habitual truant is a child under the age of seventeen (17) years who is absent from one or more class periods on seven school days per school year, or a child who is seventeen (17) years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school.
2. An administrator shall refer a habitual truant child and the child's parent(s)/guardian(s) to appropriate services and procedures, under Minn. Stat. Ch. 260A.

Legal References

- ✓ Minn. Stat. § 120A.05 (Definitions)
- ✓ Minn. Stat. § 120A.22 (Compulsory Instruction)
- ✓ Minn. Stat. § 120A.24 (Reporting)
- ✓ Minn. Stat. § 120A.26 (Enforcement and Prosecution)
- ✓ Minn. Stat. § 120A.34 (Violations; Penalties)
- ✓ Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
- ✓ Minn. Stat. § 260A.02 (Definitions)
- ✓ Minn. Stat. § 260A.03 (Notice to Parent or Guardian When Child is a Continuing Truant)
- ✓ Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant)
- ✓ Minn. Stat. § 260C.201 (Dispositions; Children in Need of Protection or Services or Neglected and in Foster Care)
- ✓ Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729 (1975)
- ✓ Slocum v. Holton Board of Education, 429 N.W.2d 607 (Mich. App. Ct. 1988)
- ✓ Campbell v. Board of Education of New Milford, 475 A.2d 289 (Conn. 1984)
- ✓ Gutierrez v. School District R-1, 585 P.2d 935 (Co. Ct. App. 1978)
- ✓ Knight v. Board of Education, 38 Ill. App. 3d 603, 348 N.E.2d 299 (1976)
- ✓ Dorsey v. Bale, 521 S.W.2d 76 (Ky. 1975)

Cross References

- ✓ SPCPA Policy 506 (Student Discipline)

504 Student Dress and Appearance

1. Purpose

The purpose of this policy is to enhance the education of students by establishing expectations of dress and grooming that support the academic and artistic environment at the school and aligns with its mission, vision, and values.

2. General Statement of Policy

The policy of the Saint Paul Conservatory for Performing Artists is to encourage students to be dressed appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the student's parent(s)/guardian(s).

3. Definitions

Criminal Gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

- A. Has, as one of its primary activities, the commission of one or more of the offenses listed in Minn. Stat. § 609.11, subd. 9.
- B. Has a common name or common identifying sign or symbol; and
- C. Includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

4. Expectations and Standards

- A. Appropriate clothing includes, but is not limited to, the following:
 - 1. Clothing appropriate for the weather.
 - 2. Clothing that does not create a health or safety hazard.
 - 3. Clothing appropriate for the activity.
- B. Inappropriate clothing includes, but is not limited to, the following:
 - 1. Clothing bearing a message that materially and substantially interferes with the operation of the school or execution of its educational purpose.
 - 2. Apparel promoting products or activities that are illegal for use by minors.
 - 3. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is derogatory to a protected

- class, evidences criminal gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in school policies.
4. Any apparel or footwear that would damage school property.
- C. Hats are not allowed in campus buildings except with the approval of school administration due to special circumstances.
- D. It is not the intention of this policy to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated.

5. Procedures

- A. When, in the judgment of the administration, a student's appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day if learning in person, or have their virtual participation modified or excluded if an e-learning day. Parent(s)/guardian(s) will be notified.
- B. School administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parent(s)/guardian(s).
- C. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to school administration for approval.

Legal References

- ✓ U. S. Const., Amend. I
- ✓ Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
- ✓ Stephenson v. Davenport Cmty. Sch. Dist., 110 F.3d 1303 (8th Cir. 1997)
- ✓ D.B. ex rel. Brogdon v. Lafen, 217 Fed.Appx. 518 (6th Cir. 2007)
- ✓ B.W.A. v. Farmington R-7 Sch. Dist., 554 F.3d 734 (8th Cir. 2009)
- ✓ Madrid v. Anthony, 510 F.Supp.2d 425 (S.D. Tex. 2007)
- ✓ Lowry v. Watson Chapel Sch. Dist., 540 F.3d 752 (8th Cir. 2008)
- ✓ Hicks v. Halifax County Bd. of Educ., 93 F.Supp.2d 649 (E.D. N.C. 1999)
- ✓ McIntire v. Bethel School, Indep. Sch. Dist. No. 3, 804 F.Supp. 1415 (W.D. Okla. 1992)
- ✓ Olesen v. Bd. of Educ. of Sch. Dist. No. 228, 676 F.Supp. 820, 44 Educ. L.Rep. 205 (N.D. Ill. 1987)

Cross References

- ✓ Policy 413 (Harassment and Violence)

✓ Policy 506 (Student Discipline)

505 Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees

1. Purpose

The purpose of this policy is to protect the exercise of students' and employees' free speech rights, taking into consideration the educational objectives and responsibilities of the Saint Paul Conservatory for Performing Artists.

2. General Statement of Policy

The school recognizes that students and employees have the right to express themselves at school locations. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, nonschool-sponsored materials. At the same time, the Board of Directors seeks to preserve the integrity of the educational objectives and responsibilities of the school, so the Board adopts the following regulations and procedures regarding distribution of nonschool-sponsored material at school locations during school activities.

3. Definitions

- A. **Distribute** or **Distribution** means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing material in internal staff or student mailboxes.
- B. **Nonschool-sponsored material** or **unofficial material** includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks, and other publications funded and/or sponsored or authorized by the school. Examples of nonschool-sponsored materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects.
- C. **Obscene to minors** means:
 - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;

2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts, masturbation, excretory functions, or lewd exhibition of the genitals; and
 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. **Minor** means any person under the age of eighteen (18).
- E. **Material and substantial disruption** means:
1. For the educational program of the school, any disruption which interferes with or impedes the implementation of that program.
 2. Where the activity, event, or function is voluntary in nature (including co-curricular and extra-curricular activities and events) “material and substantial disruption” is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of action.
 3. In order for expression to be considered disruptive, specific facts must exist upon which the likelihood of disruption can be forecast including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- F. **School 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. **Libelous** is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower that individual in the esteem of the community.

4. Guidelines

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

- B. Requests for distribution of nonschool-sponsored material will be reviewed by the administration on a case-by-case basis. However, distribution of the materials listed below is always prohibited. Material is prohibited that:
1. is obscene to minors;
 2. is libelous or slanderous;
 3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
 4. advertises or promotes any product or service not permitted to minors by law;
 5. advocates violence or other illegal conduct;
 6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religious, or ethnic origin); and/or
 7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
- C. Distribution by students and employees of nonschool-sponsored materials at school locations are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and manner of distribution, the administration will consider factors including, but not limited to:
1. whether the material is educationally related;
 2. the extent to which distribution is likely to cause disruption of or interference with the school's educational objectives, discipline, or school activities;
 3. whether the materials can be distributed from the office or other isolated location to minimize disruption of traffic flow in hallways;
 4. the quantity or size of materials to be distributed;
 5. whether distribution would require assignment of school staff, use of school equipment, or other resources;
 6. whether distribution would require that nonschool persons be present at school locations; and
 7. whether the materials are a solicitation for goods or services not requested by the recipients.

5. Time, Place, and Manner of Distribution

- A. No nonschool-sponsored material shall be distributed at a school location if it is reasonably likely to cause a material and substantial disruption of that activity, event, or function.
- B. Distribution of nonschool-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school. Distribution shall not impede entrance to or exit from school in any way.
- C. No one shall coerce a student or staff member to accept any publication.
- D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

6. Procedures

- A. Any student or employee wishing to distribute (as defined in this policy) nonschool-sponsored material must first submit for approval a copy of the material to an administrator at least twenty-four (24) hours in advance of desired distribution time, together with the following information:
 - 1. Name and phone number of the person(s) submitting the request and, if students, the room number of their first-period class.
 - 2. Date(s) and time(s) of day intended for distribution.
 - 3. Location where material will be distributed.
 - 4. If material is intended for students, the grade(s) of students to whom the distribution is intended.
- B. Within one (1) school day, the administrator will review the request and render a decision. In the event that permission to distribute the material is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.
- C. If the person submitting the request does not receive a response within one (1) school day, the person shall contact the office to verify that the lack of response was not due to an inability to locate the person.
- D. If the person is dissatisfied with the decision of the administrator, the person may submit a written request for appeal to the superintendent. If the person does not receive a response within three (3) school days of submitting the appeal, the person shall contact the office of the superintendent to verify that the lack of response is not due to an inability to locate the person.
- E. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the Board, or the individual reviewing the material submitted.

7. Disciplinary Action

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

8. Notice of Policy to Students and Employees

A copy of this policy will be posted to the school website, and a hard copy will be available in the main office, upon request.

9. IMPLEMENTATION

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

Legal References

- ✓ U. S. Const., amend. I
- ✓ Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)
- ✓ Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)
- ✓ Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
- ✓ Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
- ✓ Roark v. South Iron R-1 School Dist., 573 F.3d 556 (8th Cir. 2009)
- ✓ Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of School Employees)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 512 (School-Sponsored Student Publications)

505 Student Disability Nondiscrimination

1. Purpose

The purpose of this policy is to protect students with disabilities from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

2. General Statement of Policy

- A. Students are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the Saint Paul Conservatory for Performing Artists to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - 1. has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
 - 2. has a record of such impairment; or
 - 3. is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

3. Coordinator

Persons who have questions, comments, or complaints should contact the superintendent regarding grievances or hearing requests regarding disability issues. This person is the school district's ADA/504 Coordinator.

Legal References

- ✓ 29 U.S.C. § 701 et seq.

Cross References

- ✓ SPCPA Policy 402 (Disability Nondiscrimination)

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.

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

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

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;

- 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;

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;

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;

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;

- 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

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

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

- 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

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.

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

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.

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

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)

- ✓ 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)

513 Admissions

1. Purpose

The purpose of this policy is to explain the admissions process at the Saint Paul Conservatory for Performing Artists to assure access to the school by all eligible students.

2. General Statement of Policy

- A. This policy establishes procedures for admission to the Saint Paul Conservatory for Performing Artists consistent with Minnesota statutes and other applicable laws.
- B. Saint Paul Conservatory for Performing Artists is a public school and pursuant to state law, must enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of the program, class, grade level, or building. If this occurs, students will be accepted through a lottery process.
- C. Saint Paul Conservatory for Performing Artists shall not discriminate against any student based on 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, disability, intellectual ability, prior measures of achievement or aptitude, athletic or artistic ability, or for any other basis that would be unlawful for a public or charter school.
- D. Saint Paul Conservatory for Performing Artists shall not seek any information about any applicant that may be used to discriminate against the applicant in either the school's policies or governing laws. This does not preclude the school from seeking such information about a student for a lawful purpose after the school admits the student.

3. Procedures

- A. Annually, the Board of Directors will review and establish the enrollment capacity for each grade level and for each arts program, as determined by the school's facilities, for the following school year. The school will communicate this information to interested students and their families, on documents for prospective students, attached to this policy, and available on the school's website.
- B. Annually, the Board of Directors will set an initial date to begin admitting students to the school for the following school year.
- C. If applications for enrollment at the initial date of admittance established by the Board of Directors exceed the established capacity for a grade level or arts program, the following procedures will be followed.

1. Enrollment preference will be given to siblings of enrolled students and to foster children of that student's parent(s)/guardian(s).
 2. Secondary enrollment preference will be given to children of the school's staff.
 3. A lottery will be conducted to fill the remaining openings in each grade level and arts program.
 4. If a student is selected through the lottery process, any siblings, of that student will be accepted at the same time.
 5. Students not selected through the lottery process will be placed in a waiting pool. If openings occur, the lottery process will again be followed.
- D. If the number of applications is less than or equal to the established capacity after the initial date of admission, all applicants will be accepted into the school. Enrollment after this date will be on a "first-come, first-served" basis until capacity is reached. Once capacity is reached, new applicants will be placed in a waiting pool. If openings occur, the lottery process will be followed.
- E. School administration will inform students and their parent(s)/guardian(s) of the status of admission in a timely manner.

4. COMPLAINTS & APPEALS

Any complaint regarding the admissions process or appeal pertaining to an admissions decision should first be made to the superintendent before being filed with the Board of Directors.

Legal References

- ✓ Minn. Stat. § 124E (Charter Schools)

Cross References

- ✓ SPCPA Policy 103 (Complaints)

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.

- 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:

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.

- 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 on 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.

- 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.

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.

- 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

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

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.

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)

Cross References

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

515 Protection and Privacy of Pupil Records

1. Purpose

The Saint Paul Conservatory for Performing Artists recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students and families as provided in federal law and state statutes.

2. General Statement of Policy

The following procedures and policies regarding the protection and privacy of parent(s)/guardian(s) and students are adopted by the school, pursuant to the requirements of federal law, state statutes, and their associated regulations and rules.

3. Definitions

- A. **Authorized Representative** means any entity or individual designated by federal, state, or local educational authorities to conduct, with respect to federal or state supported education programs, any audit, evaluation, compliance, or enforcement activity under federal legal requirements related to these programs.
- B. **Biometric Record** as a component of “Personally Identifiable,” data means a record of one or more measurable biological or behavioral characteristics that can be used for authorized recognition of an individual (e.g., fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics, and handwriting).
- C. **Confidential Records** are those records and data contained therein which are not public by state or federal law, and which are inaccessible to students and parent(s)/guardian(s).
- D. **Dates of Attendance** as a component of “Directory Information,” means the period when student attends or attended the school, including attendance in person or by paper correspondence, satellite, internet, or other electronic communication technologies for students who are not in the classroom, and including the period during which a student is working under a work-study program. The term does not include specific daily records of a student’s attendance at the school.
- E. **Directory Information** means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed including, but not limited to:

1. the student's name, address, telephone number, email address;
2. photograph;
3. date and place of birth;
4. major field of study;
5. dates of attendance;
6. grade level;
7. enrollment status (i.e., full-time or part-time);
8. participation in officially recognized activities and sports;
9. weight and height of members of athletic teams;
10. degrees, honors and awards received;
11. the most recent educational agency or institution attended;
12. Name, address, and telephone number of the student's parent(s)/guardian(s).
13. Directory information does not include:
 - a. a student's social security number;
 - b. a student's identification number (ID), user ID, or other unique personal identifier if the identifier is used to access or communicate in electronic systems and may be used to access education records:
 - i. without identity authentication from a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
 - ii. with identity authentication from a personal identification number (PIN), password, or other factor known or possessed only by the authorized user, but also displayed on a student ID badge.
 - c. personally identifiable data which references religion, race, color, social position, or nationality; or
 - d. data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent(s)/guardian(s).

F. **Education Records** mean those records which:

1. are directly related to a student; and
2. are maintained by the school or by a party acting for the school.
3. The term "education records" does not include:
 - a. Records of instructional personnel which are:
 - i. in the sole possession of the maker of the record; and

- ii. not accessible or revealed to any other individual except a substitute teacher; and
 - iii. destroyed at the end of the school year.
 - b. Records of a law enforcement unit, provided educational records maintained by the school are not disclosed to the unit, and the law enforcement records are:
 - i. maintained separately from education records;
 - ii. maintained solely for law enforcement purposes; and
 - iii. disclosed only to law enforcement officials of the same jurisdiction.
 - c. Records relating to an individual, including a student, who is employed by the school which:
 - i. are made and maintained in the normal course of business;
 - ii. relate exclusively to the individual in that individual's capacity as an employee; and
 - iii. are not available for any other purpose;
 - iv. unless the individual is employed as a result of their status as a student.
 - d. Records relating to an eligible student which are:
 - i. made or maintained by physicians, psychiatrists, psychologists, or other recognized professionals or paraprofessionals acting or assisting in their professional or paraprofessional capacity;
 - ii. made, maintained, or used only in connection with the provision of treatment to the student; and
 - iii. disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within the school.
 - e. Records that only contain information about individuals after they are no longer students at the school and are not directly related to their attendance as students.
- G. **Eligible Student** means a student as defined in this policy who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

- H. **Financial Aid** means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual's attendance at an educational agency or institution.
- I. **Juvenile Justice System** includes criminal justice agencies and the judiciary when involved in juvenile justice activities.
- J. **Legitimate Educational Interest** includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know in order to:
1. Perform an administrative task required by the school, the employee's contract, or the position description approved by the board;
 2. Perform a supervisory or instructional task directly related to the student's education; or
 3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.
 4. Perform a task directly related to responding to a request for data.
- K. **Organizations** includes, but is not limited to, federal, state and local agencies and independent organizations.
- L. **Pending Civil Legal Action** includes, but is not limited to, judicial, administrative or arbitration proceedings.
- M. **Personally Identifiable** means that the data or information includes, but is not limited to:
1. a student's name;
 2. the name of the student's parent(s)/guardian(s) or other family member;
 3. the address of the student or student's family;
 4. a personal identifier such as the student's social security number or student number;
 5. other direct identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
 6. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 7. information requested by a person who the school reasonably believes knows the identity of the student to whom the education record relates.

- N. **Record** means any information or data recorded and/or stored in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.
- O. **Responsible Authority** means the individual designated by the board of directors as responsible for the maintenance and security of student records. If there is no designee, the responsible authority is the superintendent.
- P. **Student** includes any individual who is or has been in attendance, enrolled or registered at the school and regarding whom the school maintains education records. Student also includes applicants for enrollment or registration at the school, and individuals who receive shared time educational services from the school.
- Q. **School Official** includes:
1. a person duly elected to the board;
 2. a person employed by the board in an administrative, supervisory, instructional or other professional position;
 3. a person employed by the board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and
 4. a person employed by, or under contract to, the board to perform a special task such as a secretary, a clerk, as public information officer or data practices compliance official, an attorney or an auditor for the period of his or her performance as an employee or contractor.
- R. **Summary Data** means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

4. General Classification

State law provides that all data collected, created, received, or maintained by a school are public unless classified by state or federal law as not public, private, or confidential. State law classifies all data on individuals maintained by a school which relates to a student as private data on individuals. These data may not be disclosed to parties other than the parent(s)/guardian(s) or eligible student without consent, except pursuant to a valid court order, certain federal laws and state statutes authorizing access, or their enacted regulations and rules.

5. Statement of Rights

Parent(s)/guardian(s) and eligible students have specific rights under this policy:

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

1. Parent(s)/guardian(s) of an eligible student who is also a “dependent student” are entitled to gain access to the educational records of such student without first obtaining the consent of the student.
 2. Parent(s)/guardian(s) of any eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions in this policy.
- B. The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy or other rights, including the right to confidentiality for education records of children with disabilities.
- C. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such consent is not required for disclosure pursuant to this policy, federal law, state statutes, or their enacted rules and regulations;
- D. The right to refuse release of names, addresses, and telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;
1. The school will release the names, addresses, and telephone numbers of secondary students in grades 11 and 12 to military recruiting officers within sixty (60) days after the date of the request unless a parent/guardian or eligible student has refused in writing to release these data to military recruiters.
 2. Data released to military recruiting officers under this provision:
 - a. may be used only for the purpose of providing information to students about military service, state and federal veterans’ education benefits, and other career and educational opportunities provided by the military; and
 - b. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
 3. To refuse the release of the information to military recruiting officers and/or the public generally, a parent/guardian or eligible student must notify school, in writing, by September 1 each year. The written request must include:
 - a. Name of student and parent/guardian, as appropriate;
 - b. Home address;
 - c. Student’s grade level;
 - d. School attended by student;
 - e. Parent’s/guardian’s legal relationship to student, if applicable;
 - f. Specific category or categories of information which are not to be released to military recruiters; and

- g. If the request is to restrict data release to the public generally, the specific category or categories of information which are not to be released to the public, including military recruiters.
- 4. Annually, the school will provide public notice as detailed in this policy to inform the parent(s)/guardian(s) and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of secondary students in grades 11 and 12 without prior consent.
- 5. To the extent the school has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent/guardian or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers and post-secondary educational institutions.
- E. The right to be informed about rights under the federal law including the right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with federal requirements;
- F. The right to obtain a copy of this policy at the at the school at the office of the superintendent.
- G. At a reasonable time prior to any exclusion or expulsion hearing, the student and the student's parent(s)/guardian(s) or representative(s) shall be given access to all school records pertaining to the student, including any tests or reports upon which the action proposed by the school may be based, pursuant to the Minnesota Pupil Fair Dismissal Act.
- H. Parent(s)/guardian(s) or eligible student may waive any rights provided herein pursuant to FERPA. A waiver is only valid if in writing and signed by the parent(s)/guardian(s) or eligible student.

6. Annual Notification of Rights

The school shall give parent(s)/guardian(s) of students currently in attendance and eligible students currently in attendance annual notice that:

- A. The parent(s)/guardian(s) or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
- B. The parent(s)/guardian(s) or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
- C. The parent(s)/guardian(s) or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law authorize disclosure without consent;

- D. The parent(s)/guardian(s) or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school to comply with the requirements of FERPA;
- E. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school has determined to have legitimate educational interests; and
- F. The school forwards education records on request to a school in which a student seeks or intends to enroll, including suspension and expulsion records, pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.

The school shall effectively notify parent(s)/guardian(s) of students identified as having a primary or home language other than English and will provide reasonable accommodation to communicate notice to parent(s)/guardian(s) or eligible students with a disability.

7. Right to Inspect and Review Education Records

- A. The school shall permit the parent(s)/guardian(s) of a student or an eligible student who is or has been in attendance in the school to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in this policy.
- B. The school shall respond to any request for record inspection or review immediately, if possible, or within ten (10) business days of the request date.
- C. The right to inspect and review education records includes:
 - 1. The right to a response from the school to reasonable requests for explanations and interpretations of records; and
 - 2. If circumstances effectively prevent the parent(s)/guardian(s) or eligible student from exercising the right to inspect and review the education records, the school shall provide the parent(s)/guardian(s) or eligible student with a copy of the records requested or make other arrangements for the parent(s)/guardian(s) or eligible student to inspect and review the requested records.
 - 3. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent(s)/guardian(s) or by an eligible student.
- D. Parent(s)/guardian(s) or eligible students shall submit to the school a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.
- E. Collection of Student Records. If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records

or the records themselves from the various locations so they may be inspected at one site. However, if the parent(s)/guardian(s) or eligible student wishes to inspect these records where they are maintained, the school shall attempt to accommodate those wishes. The parent(s)/guardian(s) or eligible student shall be notified of the time and place where the records may be inspected.

- F. If the education records of a student contain information on more than one student, the parent(s)/guardian(s) or eligible student may inspect and review or be informed of only the specific information which pertains to that student.
- G. The school may presume that any parent(s)/guardian(s) of the student has authority to inspect or review the education records of a student unless the school has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation or custody which provides to the contrary.
- H. Fees for Copies of Records
 - 1. The school shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school shall consider the following:
 - a. the cost of materials, including paper, used to provide the copies;
 - b. the cost of the labor required to prepare the copies;
 - c. any schedule of standard copying charges established by the school in its normal course of operations;
 - d. any special costs necessary to produce such copies from machine-based record keeping systems, including but not limited to computers and microfilm systems; and
 - e. mailing costs.
 - 2. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and, instead, the charge shall be no more than 25 cents for each page copied.
 - 3. The cost of providing copies shall be borne by the parent(s)/guardian(s) or eligible student.
 - 4. The responsible authority, however, may not impose a fee for a copy of an education record made for parent(s)/guardian(s) or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent(s)/guardian(s) or eligible student from exercising their right to inspect or review the records.

8. Request to Amend Records; Procedures to Challenge Data

- A. The parent(s)/guardian(s) of a student or an eligible student who believe that information contained in the education records of the student is inaccurate, misleading, or violates the privacy or other rights of the student may request that the school amend those records.
 1. The request shall:
 - a. be in writing, signed, and dated by the requestor,
 - b. identify the item believed to be inaccurate, misleading, or in violation of the privacy or other rights of the student,
 - c. state the reason for this belief, and
 - d. shall specify the correction requested.
 2. The school shall decide whether to amend the education records of the student in accordance with the request within thirty (30) days after receiving the request.
 3. If the school decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent(s)/guardian(s) of the student and/or the eligible student of the refusal and advise the parent(s)/guardian(s) and/or eligible student of the right to a hearing.
- B. If the school refuses to amend the education records of a student, the school, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.
 1. If, as a result of the hearing, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and inform the parent(s)/guardian(s) of the student and/or the eligible student in writing.
 2. If, as a result of the hearing, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s)/guardian(s) and/or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school, or both.
 3. Any statement placed in the education records of the student shall:
 - a. be maintained by the school as part of the education records of the student so long as the record or contested portion thereof is maintained by the school; and

- b. if the education records of the student or the contested portion thereof is disclosed by the school to any party, the explanation shall also be disclosed to that party.
- C. Conduct of Hearing
 1. The hearing shall be held within a reasonable period of time after the school has received the request, and the parent(s)/guardian(s) of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.
 2. The hearing may be conducted by any individual, including an official of the school who does not have a direct interest in the outcome of the hearing. The school's attorney shall be in attendance to present the board's position and advise the designated hearing officer on legal and evidentiary matters.
 3. The parent(s)/guardian(s) of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
 4. The school shall decide in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.
- D. The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minn. Stat. Ch. 14 relating to contested cases.

9. Disclosure of Education Records

- A. Consent Required for Disclosure. The school shall obtain a signed and dated written consent of the parent(s)/guardian(s) or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided.
 1. The written consent required by this subdivision must be signed and dated by the parent(s)/guardian(s) of the student or the eligible student giving the consent and shall include:
 - a. a specification of the records to be disclosed;
 - b. the purpose or purposes of the disclosure;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. the consequences of giving informed consent; and
 - e. if appropriate, a termination date for the consent.
 2. When a disclosure is made under this subdivision, the school shall provide a copy of the records disclosed to:

- a. the parent(s)/guardian(s) or eligible student upon request; and
 - b. the student who is not an eligible student upon request of the parent(s)/guardian(s) of the student.
 - c. A signed and dated written consent may include a record and signature in electronic form that:
 - i. identifies and authenticates a particular person as the source of the electronic consent; and
 - ii. indicates such person's approval of the information contained in the electronic consent.
3. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent requires that the statement is written in plain language, is dated, and specifies:
- a. the particular persons or agencies authorized to disclose information;
 - b. the nature of the information authorized to be disclosed;
 - c. the persons or agencies authorized to receive the information to be disclosed;
 - d. the purpose(s) for which the information may be used by named authorized recipients, both at the time of the disclosure and at any time in the future; and
 - e. the expiration date which should be within a reasonable time, not to exceed one year except for authorizations connected with applications for:
 - i. life insurance, or non-cancellable or guaranteed renewable health insurance and identified as such, not to exceed two years after the date of the policy, or
 - ii. medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall not expire during all terms of eligibility, for individualized education program health-related services provided by a school that are subject to third-party reimbursement.
4. When a student becomes an eligible student, the rights accorded to and consent required of the parent(s)/guardian(s) are thereafter only accorded to and required of the eligible students, except as provided in this policy.
- B. Consent Not Required for Disclosure. The school may disclose personally identifiable information from the education records of a student without the written consent of the parent(s)/guardian(s) of the student or the eligible student, if the disclosure is:
- 1. To school officials, including teachers, within the school whom the school determines have a legitimate educational interest in such records;

2. To a contractor, consultant, volunteer, or other party to whom the school has outsourced institutional services or functions if the outside party:
 - a. performs an institutional service or function for which the school would otherwise use employees;
 - b. is under the direct control of the school with respect to the use and maintenance of education records; and
 - c. will not disclose the information to any other party without the prior consent of the parent(s)/guardian(s) or eligible student and uses the information only for the purposes for which the disclosure was made.
3. To officials of other schools, school districts, or post-secondary educational institutions in which the student seeks or intends to enroll, or is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice, suspension and expulsion information pursuant the Every Student Succeeds Act.
4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the Department of Education or their representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes to:
 - a. determine eligibility for the aid;
 - b. determine the amount of the aid;
 - c. determine conditions for the aid; or
 - d. enforce the terms and conditions of the aid.
6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
 - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.
 - i. The officials and authorities to whom the records are disclosed shall certify in writing to the school that the data will not be disclosed to any

other party, except as provided by state law, without the prior written consent of the parent(s)/guardian(s) of the student.

- ii. At a minimum, the school shall disclose the following information to the juvenile justice system under this paragraph: a student's full name, home address, telephone number, and date of birth; a student's school schedule, attendance record, and photographs, if any; and names of parent(s)/guardian(s), home addresses, and telephone numbers;
7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that:
 - a. The studies are conducted in a manner which does not permit the personal identification of parent(s)/guardian(s) or students by individuals other than representatives of the organization
 - b. The information is destroyed when no longer needed for the purposes for which the study was conducted.
 - c. In the event the Department of Education determines that a organization to whom information is disclosed violates this provision, the school may not allow that organization access to personally identifiable information from education records for at least five years.
8. To accrediting organizations in order to carry out their accrediting functions;
9. To parent(s)/guardian(s) of a dependent student;
10. To comply with a judicial order, lawfully issued subpoena, or initiation of legal action, provided:
 - a. The school makes a reasonable effort to notify the parent(s)/guardian(s) or eligible student of the order or subpoena in advance of compliance, so that the parent(s)/guardian(s) or eligible student may seek protective action,
 - i. unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and
 - ii. the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of:
 - (1) an offense listed in 18 U.S.C. § 2332b(g)(5)(B),
 - (2) an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, or

- (3) a parent/guardian is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding.
- b. If the school initiates legal action against a parent/guardian or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school to proceed with the legal action as plaintiff.
 - c. If a parent/guardian or eligible student initiates a legal action against the school, the school may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school to defend itself;
- 11. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In addition, an educational agency or institution may include in the educational records of student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
 - 12. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
 - 13. Information the school has designated as "directory information";
 - 14. To military recruiting officers and post-secondary educational institutions, absent a written refusal request under this policy;
 - 15. To the parent/guardian of a student who is not an eligible student or to the student(s) themselves;
 - 16. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the Commissioner of Health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
 - 17. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students; or
 - 18. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent(s)/guardian(s) of the student:

- a. the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and any parent(s)/guardian(s)' names, home addresses, and telephone numbers;
 - b. the existence of the following information, not the actual data or other information contained in the student's educational record, may be disclosed provided that the request for access is submitted on the statutory form and contains an explanation of why access to the information is necessary to serve the student:
 - i. use of a controlled substance, alcohol, or tobacco;
 - ii. assault or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act;
 - iii. possession or use of weapons or look-alike weapons;
 - iv. theft; or
 - v. vandalism or other damage to property.
 - c. Prior to releasing this information and to the extent permitted by federal law, the superintendent must notify the student's parent(s)/guardian(s) by certified mail of the request to disclose information.
 - d. If the student's parent(s)/guardian(s) notify the superintendent of an objection to the disclosure within ten (10) days of receiving the certified notice, the superintendent must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection.
 - e. If no objection from parent(s)/guardian(s) is received within fourteen (14) days, the superintendent must respond to the request for information.
 - f. The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file.
19. To designated school officials where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by the superintendent under Minn. Stat. § 260B.171, Subd. 3. Disposition order information received are private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent/guardian. Upon receipt of the disposition order information, the designated school official must:
- a. notify the counselor immediately,
 - b. place the disposition order in the student's permanent education record,

- c. notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the designated school official believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.
 - d. The designated school official may also notify other school employees, substitutes, and volunteers who are in direct contact with the student if the designated school official determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.
 - e. Such notices from the designated school official must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order.
20. To the designated school official where the student attends if it is information from a peace officer's record of children received by the designated school official under Minn. Stat. § 260B.171, Subd. 5. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent/guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law. Upon receipt of the peace officer's record information, the designated school official must:
- a. place the information in the student's educational record
 - b. notify immediately any teacher, counselor, or administrator directly supervising the student whom the designated school official believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.
 - c. The designated school official may also notify other school employees, substitutes, and volunteers who are in direct contact with the student if the designated school official determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.
 - d. Such notices from the designated school official must identify the student and describe the alleged offense if this information is provided in the peace officer's notice.

- e. The designated school official must delete the peace officer's record from the student's educational record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if:
 - i. the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or
 - ii. a juvenile court decides on a petition and the county attorney or juvenile court notifies the designated school official of such action.
21. To the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966 for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that: (a) any data collected shall be protected in a manner that will not permit the personal identification of students and their parent(s)/guardian(s) by other than the authorized representatives of the Secretary; and (b) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.
22. To an agency caseworker or other representative of a State or local child welfare agency, or Tribal organization who has the right to access a student's case plan, provided that the education records, or the personally identifiable information contained in such records, will not be disclosed except to an individual or entity engaged in addressing the student's education needs and authorized to receive such disclosure consistent with the State or tribal laws.

10. Disclosure of Directory Information

Directory information is public and the designation of any information as directory information about a student or parent(s)/guardian(s) will remain in effect for the remainder of the school year unless the parent(s)/guardian(s) or eligible student provides the written notifications provided herein.

- A. Former Students. Unless former students affirmatively opted out of the release of directory information in their last year of attendance, the school may disclose directory information regarding the former student. In addition, under an explicit exclusion from the definition of an "education record," the school may release records that only contain information about individuals obtained after they are no longer students at the school and that are not directly related to their attendance as a student.

- B. Present Students and Parent(s)/Guardian(s). The school may disclose directory information from the education records of a student and information regarding parent(s)/guardian(s) without prior written consent of the parent(s)/guardian(s) of the student or eligible student, except as provided herein. Prior to such disclosure the school shall:
1. Annually give public notice to inform the parent(s)/guardian(s) and eligible students of:
 - a. the types of personally identifiable information regarding students and/or parent(s)/guardian(s) that the school has designated as directory information;
 - b. the parent(s)/guardian(s)' or eligible student's right to refuse to let the school designate any or all of those types of information about the student and/or the parent(s)/guardian(s) as directory information; and
 - c. the period in which parent(s)/guardian(s) or eligible students have to opt out in writing of designating any or all of those types of information as directory information.
 2. Allow a reasonable period after such notice has been given for parent(s)/guardian(s) or eligible students to inform the school, in writing, that any or all of the information should not be disclosed without prior written consent, except as provided in this policy.
 3. Parent(s)/guardian(s) or eligible students may not opt out of the directory information disclosures to:
 - a. prevent the school from disclosing or requiring the student to disclose the student's name, ID, or school e-mail address in a class in which the student is enrolled; or
 - b. prevent the school from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the school as directory information.
 4. The school shall not disclose or confirm directory information without meeting the written consent requirements of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.
 5. To obtain nondisclosure of directory information, the parent's/guardian's or eligible student's written notice shall be directed to the responsible authority and shall include the following:
 - a. Name of the student and/or parent(s)/guardian(s), as appropriate;
 - b. Home address;

- c. School attended by student;
- d. Parent's/guardian's legal relationship to student, if applicable; and
- e. Specific categories of directory information requiring prior written consent before public release, which shall only be applicable for that school year.

11. Disclosure of Private Records

- A. Private records are classified as private data on individuals by state law and are accessible only to the student who is the subject of the data and the student's parent(s)/guardian(s) if the student is not an eligible student. The school may not disclose private records or their contents except as summary data, or except as provided in this policy, without the prior written consent of the parent(s)/guardian(s) or the eligible student. The school will use reasonable methods to identify and authenticate the identity of parent(s)/guardian(s), students, school officials, and any other party to whom private records are disclosed.
- B. In certain cases, state law intends and clearly provides that certain information contained in the education records of the school pertaining to a student be accessible to the student alone, and to the parent(s)/guardian(s) only under special circumstances, if at all.
 - 1. The responsible authority may deny access to private data by parent(s)/guardian(s) when a minor student requests that the responsible authority deny such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent(s)/guardian(s) and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent(s)/guardian(s) access would be in the best interest of the minor. In making this determination, the responsible authority shall consider whether:
 - a. the minor is of sufficient age and maturity to explain the reasons for and the consequences of the request to deny access;
 - b. the personal situation of the minor is such that denying access may protect the minor from physical or emotional harm;
 - c. there are grounds for believing that the reasons for precluding access are reasonably accurate;
 - d. the data in question are of such a nature that disclosure may lead to physical or emotional harm to the minor; and
 - e. the data concerns medical, dental, or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent(s)/guardian(s) would seriously jeopardize the health of the minor.

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

12. Disclosure of Confidential Records

A. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent(s)/guardian(s) or the subject individual by the school. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

Regardless of whether a written report is made under Minn. Stat. § 626.556, Subd. 7, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent(s)/guardian(s) of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

B. Investigative Data

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

1. The school may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if the school determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. Complainants have access to statements they provided to the school.
3. Parent(s)/guardian(s) or eligible students may have access to investigative data of which the student is the subject, but only to the extent the data is not inextricably intertwined with data about other school students, school employees, and/or attorney data as defined in Minn. Stat. § 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of

this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:

- a. a decision by the school, or by the chief attorney for the school, not to pursue the civil legal action. However, such investigation may subsequently become active if the school or its attorney decides to renew the civil legal action;
- b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
- c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

C. Chemical Abuse Records

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

13. Limits on Redisclosure

A. Redisclosure

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

B. Redisclosure not prohibited for:

1. disclosing personally identifiable information under this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school provided:
 - a. The disclosures meet the requirements of the DISCLOSURE OF EDUCATION RECORDS section of this policy; and
 - b. The school has complied with the record-keeping requirements of this policy.
2. disclosures made pursuant to court orders or lawfully issued subpoenas or litigation,
3. disclosures of directory information,

4. disclosures to parent(s)/guardian(s) or students.
- C. The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school.
- D. Notification. The school shall inform the party to whom a disclosure is made of redisclosure requirements in this policy, except for disclosures:
 1. made pursuant to court orders or lawfully issued subpoenas,
 2. disclosure of directory information under this policy, or
 3. disclosures to a parent/guardian or student.
- E. In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in § 99.31(a)(3), or a third party outside of the school improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, the school may not allow that third party access to personally identifiable information from education records for at least five (5) years.

14. Record Security and Record Keeping

- A. Record Security. The responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and confidentiality of student records.
- B. Plan for Securing Student Records. The responsible authority shall submit a written plan for securing students records by August 1 of each school year. The written plan shall contain the following information:
 1. A description of records maintained;
 2. Titles and addresses of person(s) responsible for the security of student records;
 3. Location of student records, by category, in the buildings;
 4. Means of securing student records; and
 5. Procedures for access and disclosure.

C. Review of Written Plan for Securing Student Records

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

D. Record Keeping

1. The responsible authority shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
 - a. the parties who have requested or received personally identifiable information from the education records of the student; and
 - b. the legitimate interests these parties had in requesting or obtaining the information;
 - c. the names of the state and local educational authorities and federal officials and agencies listed in this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event the school discloses personally identifiable information from an education record of a student pursuant to this policy, the record of disclosure required under this section shall also include:
 - a. the names of the additional parties to which the receiving party may disclose the information on behalf of the school; and
 - b. the legitimate interests under this policy which each of the additional parties has in requesting or obtaining the information.
 - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in this policy in accordance with 34 C.F.R. § 99.32 and to whom the school disclosed information from an education record. The school shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent/guardian or eligible student to review the record of requests for disclosure.
3. The above C.1. does not apply to requests by or disclosure to a parent/guardian of a student or an eligible student, disclosures pursuant to the written consent of a parent/guardian of a student or an eligible student, requests by or disclosures to other school officials under this policy, to requests for disclosures of directory information under this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18. U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism.
4. The record of requests of disclosures may be inspected by:
 - a. the parent(s)/guardian(s) of the student or the eligible student;

- b. the school official or his or her designees who are responsible for the custody of the records; and
 - c. the parties authorized by law to audit the record-keeping procedures of the school.
- 5. The school shall record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:
 - a. the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure; and
 - b. the parties to whom the school disclosed the information.
- 6. The record of requests and disclosures shall be maintained with the education records of the student as long as the school maintains the student's education records.
- 7. Destruction and retention of records by the school shall be controlled by state and federal law.

15. Problems Accessing Data

The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. Data practices compliance official means superintendent. Any request by an individual with a disability for reasonable modifications of the school's policies or procedures for purposes of accessing records shall be made to the data practices compliance official.

16. Complaints for Noncompliance

Complaints regarding alleged violations of rights accorded parent(s)/guardian(s) and eligible students by 20 U.S.C. §1232g, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605. A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA has occurred.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. Ch. 14 (Administrative Procedures Act)
- ✓ Minn. Stat. § 120A.22 (Compulsory Instruction)
- ✓ Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
- ✓ Minn. Stat. § 121A.75 (Sharing Disposition Order and Peace Officer Records)
- ✓ Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)

- ✓ Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)
- ✓ Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)
- ✓ Minn. Stat. § 363A.42 (Public Records; Accessibility)
- ✓ Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
- ✓ Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
- ✓ 10 U.S.C. § 503(b) and (c) (Enlistments: Recruiting Campaigns; Compilation of Directory Information)
- ✓ 18 U.S.C. § 2331 (Definitions)
- ✓ 8 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)
- ✓ 20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act)
- ✓ 20 U.S.C. § 6301 et seq. (Every Student Succeeds Act)
- ✓ 20 U.S.C. § 7908 (Armed Forces Recruiting Information)
- ✓ 26 U.S.C. §§ 151 and 152 (Internal Revenue Code)
- ✓ 34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
- ✓ 34 C.F.R. § 300.610-300.627 (Confidentiality of Information)
- ✓ 42 C.F.R. § 2.1 et seq. (Confidentiality of Drug Abuse Patient Records)
- ✓ Gonzaga University v. Doe, 536 U.S. 273, 122 S.Ct. 2268, 153 L.Ed. 2d 309 (2002)

Cross References

- ✓ SPCPA Policy 103 (Complaints)
- ✓ SPCPA Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
- ✓ SPCPA Policy 417 (Chemical Use and Abuse)
- ✓ SPCPA Policy 506 (Student Discipline)

515R Records Retention Policy

1. Purpose

The purpose of this policy is to maintain a schedule for managing school records. Precise identification of records, assessment of value, and determination of classification ensure compliance with state requirements on retention, disclosure, and destruction.

2. General Statement of Policy

- A. The school will provide a plan for the maintenance and destruction of records in accordance with state and federal law.
- B. The school will establish minimum retention periods depending on the classification of the records.
- C. The school will adopt the *School District General Records Retention Schedule* from the Minnesota Historical Society, including revisions subsequent to this policy adoption.

3. Definitions

- A. **Archival** means records that must be retained permanently by the school because it has historical value.
- B. **Data Practices Classification** refers to records classified by the Minnesota Government Data Practices Act or other state or federal laws. The classification system includes:
 - 1. Public
 - 2. Private
 - 3. Confidential
 - 4. Nonpublic
 - 5. Protected nonpublicMore than one classification may apply.
- C. **Data Practices Statute** refers to the statute or law which cites the data practices classification of the record series.
- D. **Record Series Description** means a group of records clustered together because they all relate to the same topic and have the same retention period.
- E. **Retention Period** means the minimum amount of time a record must be kept.

4. Retention of Records

The school will follow the retention period outlined in the *School District General Records Retention Schedule*. Records not listed on this schedule require authorization from the Minnesota Historical Society before destruction.

5. Destruction Reporting

After records are destroyed according to the general schedule, a report of record description and date of destruction must be sent to the Minnesota Department of Administration and the Minnesota Historical Society in accordance with their procedures. This report may be submitted annually or as records are destroyed.

6. Duplicate Records

The school may identify the official record copy of data and destroy other copies of identical records after they have lost their legal, fiscal, historical, and administrative value. Duplicate copies do not need to be retained.

7. Other Records

Records not listed on the schedule from the Minnesota Historical Society cannot be destroyed without approval from the Minnesota Historical Society. The school will follow procedures from the Minnesota Historical Society to obtain authorization to dispose of records.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. § 138.17 (Government Records; Administration)
- ✓ Department of Administration Informational Bulletin no. 00-43 (General Records Retention Schedule for Minnesota School Districts)

Cross References

- ✓ SPCPA Policy 406 (Public and Private Personnel Data)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)

516 Student Medication

1. Purpose

The purpose of this policy is to set forth the provisions that must be followed when administering non-emergency prescription medication or nonprescription pain relievers to students at the Saint Paul Conservatory for Performing Artists.

2. General Statement of Policy

The school acknowledges that some students may require prescribed drugs or medication during the school day. The school's licensed school nurse, trained staff, administrators, or teachers will administer medications, except any form of medical cannabis, in accordance with law and school procedures.

3. Requirements

- A. An Authorization to Administer Medications form must be completed annually (once per school year) by the parent(s)/guardian(s) or student, if eighteen (18) or older, and the physician. The form must be completed immediately when a change in the prescription or requirements for administration occurs and must include a new medical authorization or container label with new pharmacy instructions. Prescription medications does not include any form of medical cannabis as defined in Minn. Stat. §152.22.6.
- B. Prescription medication and nonprescription pain relievers must come to school in the original container, with prescriptions labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label.
- C. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the medication.
- D. Prescription medications are not to be carried by the student, but will be left with the appropriate school personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler, and medications administered as noted in a written agreement between the school and the parent(s)/guardian(s) or as specified in an individualized education program (IEP), Section 504 plan, or individual health plan (IHP).
- E. The school nurse, or other designated person, shall be responsible for filing the Authorization to Administer Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the superintendent and to other personnel designated to administer the medication.

- F. 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.
- G. Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school under Minn. Stat. § 121A.21). The school administration shall submit these procedures and any additional guidelines and procedures necessary to implement this policy to the board for approval in the handbook. Upon approval by the board, such guidelines and procedures shall be an addendum to this policy.

4. Exceptions

The listed exceptions are treatments or control and administration of medication that are not governed by this policy or have special conditions for exemption.

- A. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;
- B. Emergency health procedures, including emergency administration of drugs, medicine, or treatment of anaphylaxis via epinephrine auto-injectors in accordance with school policy and state law;
- C. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;
- D. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;
- E. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
 - 1. the school has received a written authorization on the Authorization to Administer Medications form permitting the student to self-administer the medication;
 - 2. the inhaler is properly labeled for that student;
 - 3. the Authorization to Administer Medications form does not include a request for school personnel to administer the medication to the student; and
 - 4. the Authorization to Administer Medications form includes written verification from:

- a. the prescribing professional documenting that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed; or
 - b. the school nurse or other appropriate party, after assessing the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting, enters into the student's school health record a plan to implement safe possession and use of asthma inhalers;
- F. Medications that are used:
 - 1. off school grounds;
 - 2. in connection with athletics or extracurricular activities; or
 - 3. in connection with activities that occur before or after the regular school day
- G. Nonprescription medication are not governed by this policy, except pain relievers in accordance the filed Authorization to Administer Medication.
- H. Prescription nonsyringe injectors of epinephrine, consistent with state law, if the Authorization to Administer Medications includes information for:
 - a. the student to possess the epinephrine; or
 - b. the student is unable to possess the epinephrine and requires immediate access to nonsyringe injectors of epinephrine that the parent(s)/guardian(s) provide, properly labeled, to the school for the student as needed.

Legal References

- ✓ Minn. Stat. § 13.32 (Student Health Data)
- ✓ Minn. Stat. § 121A.21 (Hiring of Health Personnel)
- ✓ Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
- ✓ Minn. Stat. § 121A.221 (Possession and Use of Asthma Inhalers by Asthmatic Students)
- ✓ Minn. Stat. § 121A.222 (Possession and Use of Nonprescription Pain Relievers by Secondary Students)
- ✓ Minn. Stat. § 121A.2205 (Possession and Use of Epinephrine Autoinjectors; Model Policy)
- ✓ Minn. Stat. § 121A.2207 (Life-Threatening Allergies in Schools; Stock Supply of Epinephrine Auto-Injectors)
- ✓ Minn. Stat. § 151.212 (Label of Prescription Drug Containers)
- ✓ Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
- ✓ Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
- ✓ 20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Improvement Act of 2004)
- ✓ 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)

Cross References

- ✓ SPCPA Policy 418 (Drug-Free Workplace/Drug-Free School)

520 Student Surveys

1. Purpose

Saint Paul Conservatory for Performing Artists may choose to conduct surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters regarding information that may be collected in student surveys.

2. General Statement of Policy

Student surveys may be conducted by the school, as appropriate or when necessary. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 123h.

3. General Guidelines

- A. Student surveys will be conducted anonymously and will protect respondent privacy. Student survey participants will not be identified, nor will students be required to return the survey. The school will not maintain records of which students return a survey.
- B. Some anonymous surveys may collect personally identifiable information in responses. SPCPA will take appropriate steps to ensure the data are protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act), and 34 C.F.R. Part 99.
- C. The school will not impose an academic or other penalty upon students who opt out of a student survey.
- D. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parent(s)/guardian(s) of the child.
- E. The school will develop this policy in consultation with parent(s)/guardian(s).

4. Limitations

- A. No student shall be required, as part of a program funded in whole or in part by the U.S. Department of Education, without the prior written consent of the parent(s)/guardian(s), to submit a survey that reveals information concerning:
 - 1. Political affiliations or beliefs of the student or the student's parent(s)/guardian(s)

2. Mental and psychological problems of the student or the student's family
 3. Sex behavior or attitudes
 4. Illegal, antisocial, self-incriminating, or demeaning behavior
 5. Critical appraisals of other individuals with whom respondents have close family relationships
 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
 7. Religious practices, affiliations, or beliefs of the student or the student's parent(s)/guardian(s)
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
- B. The school shall protect student privacy in the event of the administration or distribution of a survey, including an evaluation, which contains one or more of the items listed in this section.

5. Notice

- A. The school will directly notify parent(s)/guardian(s) of this policy at the beginning of each school year and after making any substantive policy changes.
- B. SPCPA will inform parent(s)/guardian(s) at the beginning of the school year if the school has identified specific or approximate dates for administering surveys and give parent(s)/guardian(s) notice of planned surveys scheduled after the start of the school year.
- C. The school will give parent(s)/guardian(s) direct, timely notice, by United States mail, email, or other direct form of communication, when their child(ren) are scheduled to participate in a student survey.
- D. The school will give parent(s)/guardian(s) the opportunity to review the survey and to opt their child(ren) out of participating in the survey.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. § 121A.065 (District Surveys to Collect Student Information; Parent Notice and Opportunity for Opting Out)
- ✓ 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
- ✓ 20 U.S.C. § 1232h (Protection of Pupil Rights)
- ✓ 34 C.F.R. § 99 (Family Educational Rights and Privacy Act Regulations)

Cross References

- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records and Public Notice & Juvenile Justice System Request for Information)
- ✓ SPCPA Policy 521 (Student Disability Nondiscrimination)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)

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.

- 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.

- 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.

- 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

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,

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.

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.

- 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

- 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

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;

- 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.

- 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

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

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

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

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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Building Report Taker

Brian Goranson, Principal
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524 Internet Acceptable Use and Safety Policy

1. Purpose

The purpose of this policy is to set forth policies and guidelines for access to the Saint Paul Conservatory for Performing Artists computer system and acceptable and safe use of the Internet, including electronic communications.

2. General Statement of Policy

In making decisions regarding student and employee access to the school computer system and the Internet, including electronic communications, the school considers its own stated educational mission, goals, and objectives. The school expects that faculty will blend thoughtful use of the school computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

3. Definitions

- A. **Access to Internet.** A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.
- B. **Computer** means a programmable electronic machine that performs high-speed mathematical or logical operations or that assembles, stores, correlates, or otherwise processes information and any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with such machine.
- C. **Harmful to minors** means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

4. Limited Educational Purpose

The school provides students and employees with access to the school computer system, which includes Internet access, for an educational purpose. Users are expected to use Internet access through the system to further educational and personal goals consistent with the mission of the school and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

5. Use of System is a Privilege

The use of the school system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

6. Unacceptable Uses

- A. The following uses of the school system and Internet resources or accounts are considered unacceptable:
 - 1. to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process; or
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
 - 2. to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization;
 - 3. to harass another person; or
 - 4. to engage in personal attacks, including prejudicial or discriminatory attacks.

5. to engage in any illegal act or violate any local, state, or federal statute or law.
 6. to vandalize, damage, or disable the property of another person or organization;
 7. to make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means;
 8. to tamper with, modify, or change the school system software, hardware, or wiring or take any action to violate the school's security system; and
 9. to use the school system in such a way as to disrupt the use of the system by other users.
 10. to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
 11. to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
 12. Users must keep all account information and passwords on file with the designated school official, and will not attempt to gain unauthorized access to the school system or any other system through the school system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school system may not be encrypted without the permission of appropriate school authorities.
 13. to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 14. for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school. Users will not use the school system to offer or provide goods or services or for product advertisement. Users will not use the school system to purchase goods or services for personal use without authorization from the appropriate school official.
 15. to violate the Bullying Prohibition Policy.
- B. Users engaging in unacceptable uses of the Internet outside of school locations and the school's system may still be acting in violation of this or other school policies.

Such violations may include using any technology or other electronic communication outside of school locations in a manner that substantially and materially disrupts student learning or the school environment. If the report of unacceptable use originates from a non-school computer or resource, administrators may investigate to the best of their ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to suspension or cancellation of the use or access to the school system, and discipline under other appropriate school policies.

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

7. Filter

- A. With respect to any of its computers with Internet access, the school will monitor the online activities of minors and employ narrowly-tailored technology protection measures that do not discriminate based on viewpoint during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. An administrator, supervisor, or other person authorized by the superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- C. The school will educate students about appropriate online behavior, including, but not limited to, interacting with other individuals on social networking websites and cyberbullying awareness and response.

8. Consistency with Other School Policies

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

9. Limited Expectation of Privacy

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

10. Internet Use Agreement

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

11. Limitation on School District Liability

Use of the school system is at the user's own risk. The system is provided on an "as is, as available" basis. The school will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on school

diskettes, tapes, hard drives, or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school is not responsible for the accuracy or quality of any advice or information obtained through or stored on the school system. The school will not be responsible for financial obligations arising through unauthorized use of the school system or the Internet.

12. User Notification

- A. All users shall be notified of the school policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with school policies.
 - 2. Disclaimers limiting the school's liability relative to:
 - a. Information stored on school diskettes, hard drives, or servers.
 - b. Information retrieved through school computers, networks, or online resources.
 - c. Personal property used to access school computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of school resources/accounts to access the Internet.
 - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 - 4. Notification that, even though the school may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 - 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parent(s)/guardian(s).
 - 6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by the school's policies for Public and Private Personnel Data and Protection and Privacy of Pupil Records.
 - 7. Notification that, should the user violate the school's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be taken.
 - 8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

13. Parent(s)/Guardian(s) Responsibility; Notification of Student Internet Use

- A. Outside of school, parent(s)/guardian(s) bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parent(s)/guardian(s) are responsible for monitoring their student's use of the school system and of the Internet if the student is accessing the school system from home or a remote location.
- B. Parent(s)/guardian(s) will be notified that their student(s) will be using school resources/accounts to access the Internet and that the school will provide parent(s)/guardian(s) the option to request alternative activities not requiring Internet access. This notification should include:
 - 1. A copy of the user notification form provided to the student user.
 - 2. A description of the responsibilities of parent(s)/guardian(s).
 - 3. A notification that the parent(s)/guardian(s) have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 - 4. A statement that the Internet Use Agreement must be signed by the user, the parent(s)/guardian(s), and the supervising teacher prior to use by the student.
 - 5. A statement that the school's acceptable use policy is available for review by parent(s)/guardian(s).

14. Implementation; Policy Review

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

Legal References

- ✓ 15 U.S.C. § 6501 et seq. (Children's Online Privacy Protection Act)
- ✓ 17 U.S.C. § 101 et seq. (Copyrights)

- ✓ 20 U.S.C. § 6751 et seq. (Enhancing Education through Technology Act of 2001)
- ✓ 47 U.S.C. § 254 (Children’s Internet Protection Act of 2000 (CIPA))
- ✓ 47 C.F.R. § 54.520 (FCC rules implementing CIPA)
- ✓ Minn. Stat. § 121A.031 (School Student Bullying Policy)
- ✓ Minn. Stat. § 125B.15 (Internet Access for Students)
- ✓ Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)
- ✓ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
- ✓ *United States v. Amer. Library Assoc.*, 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)
- ✓ *Doninger v. Niehoff*, 527 F.3d 41 (2ndCir. 2008)
- ✓ *R.S. v. Minnewaska Area Sch. Dist. No. 2149*, No. 12-588, 2012 WL 3870868 (D. Minn. 2012)
- ✓ *Tatro v. Univ. of Minnesota*, 800 N.W.2d 811 (Minn. App. 2011), *aff’d* on other grounds 816 N.W.2d 509 (Minn. 2012)
- ✓ *S.J.W. v. Lee’s Summit R-7 Sch. Dist.*, 696 F.3d 771 (8thCir. 2012)
- ✓ *Kowalski v. Berkeley County Sch.*, 652 F.3d 656 (4thCir. 2011)
- ✓ *Layshock v. Hermitage Sch. Dist.*, 650 F.3d 205 (3rdCir. 2011)
- ✓ *Parents, Families and Friends of Lesbians and Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F.Supp.2d 888 (W.D. Mo. 2012)
- ✓ *M.T. v. Cent. York Sch. Dist.*, 937 A.2d 538 (Pa. Commw. Ct. 2007)
- ✓ *J.S. v. Bethlehem Area Sch. Dist.*, 807 A.2d 847 (Pa. 2002)
- ✓ *Mahanoy Area School District v. B.L.*, 594 U.S. ____ (2021)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 406 (Public and Private Personnel Data)
- ✓ SPCPA Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 514 (Bullying Prohibition Policy)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)
- ✓ SPCPA Policy 521 (Student Disability Nondiscrimination)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)
- ✓ SPCPA Policy 600 (School Curriculum and Instructional Goals)
- ✓ SPCPA Policy 601 (Curriculum Development)
- ✓ SPCPA Policy 806 (Crisis Management Policy)

525 Violence Prevention

1. Purpose

The purpose of this policy is to maintain a safe and healthful environment for employees and students of the Saint Paul Conservatory for Performing Artists and to identify measures that the school will take to maintain a learning and working environment that is free from violent and disruptive behavior.

The Board of Directors is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm during school activities and at school locations.

2. General Statement of Policy

- A. The policy of the school is to strictly enforce the School Weapons Policy.
- B. The policy of the school is to act promptly in investigating all acts, or formal or informal complaints, of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- C. The administration will periodically review discipline policies and procedures, prepare revisions if necessary, and submit them to the board for review and adoption.
- D. The school will implement approved violence prevention strategies to promote safe and secure learning environments, to diminish violence in our school, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

3. Definitions

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

- A. **Criminal gang** includes any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has a common name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.

- B. **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.

4. Implementation of Policy

- A. The board will review and approve policies to prevent and address violence in school. The superintendent or designee will develop procedures to effectively implement the policies. It shall be incumbent on all students and staff to observe all policies and report violations to the school administration.
- B. The board and administrators will inform staff and students annually of policies and procedures related to violence prevention and weapons.
- C. The school will act promptly to investigate all acts and formal or informal complaints of violence and take appropriate disciplinary action against any student or staff member who is found to have violated this policy or any related policy.
- D. The consequences set forth in the School Weapons Policy will be imposed upon any student or nonstudent who possesses, uses, or distributes a weapon when in a school location. This includes referring the individual to the criminal or juvenile justice system, as soon as practicable.
- E. The consequences set forth in the Hazing Prohibition Policy will be imposed upon any student or staff member who commits an act against a student or staff member; or coerces a student or staff member into committing an act, that creates a substantial risk of harm to a person in order for the student or staff member to be initiated into or affiliated with an organization, or for any other purpose.
- F. Students who engage in assault or violent behavior will be removed from the classroom immediately and for a period of time deemed appropriate by an administrator, in consultation with the teacher, pursuant to the Student Discipline Policy.
- G. Students with disabilities may be expelled for behavior unrelated to their disabilities, subject to the procedural safeguards required by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Pupil Fair Dismissal Act.
- H. Administrators shall, as soon as practicable, refer any person in violation of this policy or the School Weapons Policy to the local law enforcement agency.

- I. Students who wear objectionable emblems, signs, words, objects, or pictures on clothing communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or that approves, advances, or provokes any form of religious, racial, or sexual harassment or violence against other individuals as defined in the Harassment and Violence Policy will be subject to the procedures set forth in the Student Dress and Appearance Policy.
- J. This policy is not intended to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, denote gang affiliation, advocate harassment or violence against others, are likely to disrupt the education process, or cause others to react in a violent or illegal manner.

5. Prevention Strategies

The school has adopted and may implement the following prevention strategies to promote safe and secure learning environments, to diminish violence in our schools, and to aid in the protection of children whose health or welfare may be jeopardized through acts of violence.

- A. Adopt and maintain a Crisis Management Policy to address potential violent crisis situations in the school.
- B. Provide training in recognition, prevention, and safe responses to violence and development of a positive school climate.
- C. In-service training for personnel in aspects of reporting, visibility, and supervision as deterrents to violence.
- D. In-service training for personnel and Board of Directors familiar with sexual abuse, domestic violence, and personal safety issues on the following: helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways; responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and/or complying with mandatory reporting requirements under the Maltreatment of Minors Reporting Act.
- E. Promote student responsibility in school safety by encouraging the reporting of suspicious individuals and unusual activities at school locations.
- F. Explore ways of teaching violence prevention strategies, law-related education, and character/values education (universal values, e.g., honesty, personal responsibility, self-discipline, cooperation, and respect for others).
- G. Establish clear school rules that prevent and deter violence.

- H. Work to unify students of all cultures and backgrounds, to develop mutual respect and understanding of shared experiences and values among students, and to promote the message of inclusion.
- I. Explore ways to incorporate conflict resolution training, conflict management, or peer mediation programs for staff and students to teach conservative approaches to settling disputes.
- J. Develop curriculum that teaches social skills such as maintaining self-control, building communications skills, forming friendships, resisting peer pressure, being appropriately assertive, forming positive relationships with adults, and resolving conflict in nonviolent ways.
- K. Develop curriculum that teaches critical viewing and listening skills in analyzing mass media to recognize stereotypes, distinguish fact from fantasy, and identify differences in behavior and values that conflict with their own.
- L. Have opportunities for students to provide feedback on safety problems in the building.
- M. Develop a student photo or name identification system for quick identification of the student in case of emergency.
- N. Develop a staff photo or name identification system using identification badges for quick identification of unauthorized people on campus.
- O. Require all visitors to check-in the main office upon their arrival and state their business at the school and comply with the School Visitor Policy.
- P. Develop curriculum 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.
- Q. Develop curriculum on child sexual abuse prevention for students, including age-appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders.
- R. Provide training to all school personnel on recognizing and preventing sexual abuse and sexual violence which may include training on mandatory reporting requirements provided on the Department of Education's website and reviewing the Code of Ethics for Minnesota Teachers.

6. Student Support

- A. Students will have access to school-based student service professionals, when available, who are knowledgeable in methods to assist students with violence prevention and intervention.

- B. Students will be apprised of school policies designed to protect their personal safety.
- C. Students will be provided with information on school rules regarding weapons and violence.
- D. Students will be provided resources for violence prevention and proper reporting.

7. School Personnel

- A. School personnel shall comply with the School Weapons Policy and the Hazing Prohibition Policy.
- B. School personnel shall be knowledgeable of violence prevention policies and report any violation to an administrator and/or their immediate supervisor immediately. School personnel will be informed annually on school rules regarding weapons and violence prevention.
- C. School personnel or agents of the school shall not engage in emotionally abusive acts including malicious shouting, ridicule, and/or threats or other forms of corporal punishment under Minn. Stat. §121A.58.
- D. In accordance with Minn. Stat. §181.967, the superintendent or designee shall disclose public personnel data relating to acts of violence toward or inappropriate sexual contact with a student that resulted in disciplinary action or private personnel data under Minn. Stat. §13.43.16 to another charter school or a school district as response to a requested current or former employee reference. The disclosure will be sent in writing with a copy contemporaneously sent by mail to the employee's last known address. Disclosures must not include data on the student.

Legal References

- ✓ Minn. Stat. §13.43 (Personnel Data)
- ✓ Minn. Stat. §121A.035 (Crisis Management Policy)
- ✓ Minn. Stat. §121A.05 (Policy to Refer Firearms Possessor)
- ✓ Minn. Stat. §§121A.40-121A.56 (Pupil Fair Dismissal Act)
- ✓ Minn. Stat. §121A.61 (Discipline and Removal of Students from Class)
- ✓ Minn. Stat. §121A.64 (Notification)
- ✓ Minn. Stat. §121A.69 (Hazing Policy)
- ✓ Minn. Stat. §181.967 (Employment References)
- ✓ Minn. Stat. §609.229 (Crime Committed for Benefit of Gang)
- ✓ Minn. Stat. §626.556 (Reporting of Maltreatment of Minors)
- ✓ 18 U.S.C. §921 (Definition of Firearm)
- ✓ 20 U.S.C. §1400 et seq. (Individuals with Disabilities Education Improvement Act of 2004)
- ✓ 29 U.S.C. §794 et seq. (Rehabilitation Act of 1973, § 504)

- ✓ *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
- ✓ *McIntire v. Bethel School*, 804 F.Supp. 1415, 78 Educ. L.Rep. 828 (W.D. Okla. 1992)
- ✓ *Olesen v. Board of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820, 44 Educ. L.Rep. 205 (N.D. Ill. 1987)

Cross References

- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 501 (School Weapons Policy)
- ✓ SPCPA Policy 504 (Student Dress and Appearance)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 514 (Bullying Prohibition)
- ✓ SPCPA Policy 526 (Hazing Prohibition)
- ✓ SPCPA Policy 903 (Visitors to School Buildings and Sites)

526 Hazing Prohibition

1. Purpose

The purpose of this policy is to maintain a safe learning environment for Saint Paul Conservatory for Performing Artists students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school and are prohibited at all times.

2. General Statement of Policy

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the school shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. This policy applies to hazing that occurs during and after school hours, on or off school property or any school location.
- E. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- F. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- G. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing, or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the school's policies and procedures:
 - 1. Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
 - 2. Consequences for employees who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.
 - 3. Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to, exclusion from school locations and/or termination of services and/or contracts.

- H. A person being hazed who violates school policy or law shall be subject to discipline for that act.
- I. The superintendent or designee will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school who is found to have violated this policy.

3. Definitions

- A. **Hazing** means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - 1. Any type of physical brutality such as whipping, beating, striking, branding, electric shocking or placing a harmful substance on the body.
 - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school. This may include verbal abuse such as yelling, swearing, and insulting the student.
 - 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school policies or regulations.
- B. **Immediately** means as soon as possible but not longer than twenty-four (24) hours.
- C. **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.

- D. **Remedial response** means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.
- E. **Student** means a person enrolled in the school.
- F. **Student organization** means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to be within the terms of this definition.
- G. **Retaliation** means, but is not limited to, any form of intimidation, reprisal, or harassment.

4. Reporting Procedures

- A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to the superintendent. A person may report hazing 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 to use the report form available from an administrator or the administration office, but oral reports shall be considered complaints as well.
- C. Teachers, administrators, volunteers, contractors and other employees of the school shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such people who witness, observe, receive a report of, or have other knowledge or belief of conduct which may constitute hazing shall make reasonable effort to address and resolve the hazing and shall inform the superintendent immediately. Failure by school personnel to inform the superintendent of conduct that may constitute hazing or failure to make a reasonable effort to address and resolve the hazing in a timely manner may result in disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- E. Reports of hazing are classified as private educational or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The superintendent, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.
- F. The school with respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent

with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

5. School Action

- A. Within three (3) days of the receipt of a complaint or report of hazing, the school shall undertake or authorize an investigation by school officials or a third-party designated by the school.
- B. The school may take immediate steps, at its discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students, or others pending completion of an investigation of alleged hazing prohibited by this policy.
- C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines hazing has occurred, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, and applicable school policies and regulations.
- E. 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 alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

6. Retaliation or Reprisal

The school will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school who commits an act of reprisal or retaliates against any person who:

- A. asserts, alleges, or makes a good faith report of alleged hazing,
- B. provides information about hazing,

- C. testifies, assists, or participates in an investigation, or
- D. testifies, assists, or participates in a proceeding or hearing relating to such hazing.

Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

7. Dissemination of Policy

This policy shall appear in the Saint Paul Conservatory for Performing Artists student and staff handbook.

Legal References

- ✓ Minn. Stat. §121A.031 (School Student Bullying Policy)
- ✓ Minn. Stat. §121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)
- ✓ Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
- ✓ Minn. Stat. § 121A.69 (Hazing Policy)

Cross References

- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 514 (Bullying Prohibition)
- ✓ SPCPA Policy 525 (Violence Prevention)

528 Student Parental, Family, and Marital Status Nondiscrimination

1. Purpose

Students are protected from discrimination on the basis of sex and marital status pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. This includes discrimination on the basis of pregnancy. The purpose of this policy is to provide equal educational opportunity for all Saint Paul Conservatory for Performing Artists students and to prohibit discrimination on the grounds of sex, parental, family, or marital status.

2. General Statement of Policy

- A. The school provides equal educational opportunity for all students, and will not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.
- B. The school will not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the school program or activity.
- C. The school may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
- D. The school will ensure that any separate and voluntary instructional program is comparable to that offered to non-pregnant students.
- E. It is the responsibility of every school employee to comply with this policy.
- F. The board has designated the superintendent at 651-290-2225 as its Title IX coordinator. This employee coordinates the school's efforts to comply with and carry out its responsibilities under Title IX.
- G. Any student or parent(s)/guardian(s) 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.

- H. Any reports of unlawful discrimination under this policy will be handled, investigated, and acted upon in the manner specified in the Student Sex Nondiscrimination Policy.

Legal References

- ✓ Minn. Stat. §363A.01 et seq. (Minnesota Human Rights Act)
- ✓ 20 U.S.C. §§1681 et seq. (Title IX of the Education Amendments of 1972)
- ✓ 34 C.F.R. Part 106 (Implementing Regulations of Title IX)

Cross References

- ✓ SPCPA Policy 102 (Equal Educational Opportunity)
- ✓ SPCPA Policy 413 (Harassment and Violence)
- ✓ SPCPA Policy 522 (Student Sex Nondiscrimination)

531 The Pledge of Allegiance

1. Purpose

The Board of Directors for the Saint Paul Conservatory for Performing Artists recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. The purpose of this policy is to provide for recitation of the Pledge of Allegiance and instruction in school to help further that end.

2. General Statement of Policy

Unless waived by an annual majority vote of the Board, students shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate; or
- B. Over a school intercom system by a person designated by the superintendent.

3. Exceptions

Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so. Students and school personnel must respect another person's right to make that choice.

4. Instruction

Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

Legal References

- ✓ Minn. Stat. §124E.03 (Applicable Law)
- ✓ Minn. Stat. §121A.11.3 (Pledge of Allegiance)

532 Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds

1. Purpose

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a Saint Paul Conservatory for Performing Artists student with an individualized education program (IEP) from school grounds.

2. General Statement of Policy

The school is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

All students, including those with IEPs, are subject to the terms of the school's discipline policy. Administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

3. Definitions

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

- A. **Student with an IEP** or **the student** means a student who is eligible to receive special education and related services pursuant to the terms of an IEP.
- B. **Peace officer** means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime

and the enforcement of general criminal laws of the state and who has the full power of arrest. This includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.

- C. **Crisis team** means a group of persons, which may include teachers and non-teaching school personnel, selected by the administrators who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. An administrator or designee shall serve as the leader of the crisis team.
- D. The phrase **remove the student from school grounds** is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- E. **Emergency** means a situation where immediate intervention is necessary to protect a student or other individual from physical injury.

4. Removal of Students with IEPs from School Grounds

A. **Response by Crisis Team**

If the behavior of a student with an IEP endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior cannot be safely managed or creates an emergency, school personnel may immediately request assistance from a peace officer.

B. **Removal by Peace Officer**

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, then an administrator or designee, may request peace officer support and the peace officer may make the determination to remove the student from school grounds.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school policy.

The fact that a student with an IEP is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In awaiting peace officer response to remove a student with an IEP from school grounds, school employees, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another. Nothing in this policy precludes the use of reasonable force under Minn. Stat. §121A.582.

In awaiting peace officer response to remove a student with an IEP from school grounds, school personnel are prohibited from engaging in the following conduct:

1. Utilizing corporal punishment, including hitting or spanking a person with or without an object or unreasonable physical force that causes bodily harm or substantial emotional harm;
2. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Presenting intense sounds, lights, or other sensory stimuli using smell, taste, substance, or spray as punishment;
4. Denying or restricting the student's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the student's functioning, except temporarily when needed to prevent injury to the student or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Stat. §626.556;
6. Restricting, totally or partially, the student's senses as punishment, recognizing that study carrels may be used as an academic intervention;
7. Withholding regularly scheduled meals or water;
8. Denying the student access to bathroom facilities;
9. Physical holding that restricts or impairs a student's ability to breathe, restricts or impairs a student's ability to communicate distress, places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a student's torso; and
10. Prone restraint.

D. Parental Notification

The administrator or designee shall make reasonable efforts to notify the student's parent(s)/guardian(s) of the student's removal from school grounds the same day,

or if unable to provide same-day notice, send written or electronic notice within two (2) days as indicated in the IEP.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the student's IEP. If a student is restrained or removed by a peace officer on two separate school days within thirty (30) calendar days, or at the request of a parent after a removal, the school must convene the IEP team within ten (10) calendar days. During this meeting the IEP team:

1. Must review the student's IEP and determine effectiveness of interventions and supports
2. Must review any known medical or psychological limitations, including any medical information the parent provides voluntarily;
3. May conduct or review a functional behavior analysis;
4. May consider developing additional or revised positive behavioral interventions and supports; and
5. Will modify the IEP or behavior intervention plan, as appropriate

5. Reporting to the Minnesota Department of Education (MDE)

By July 15 each year, the school must report summary data on the use of peace officers to remove students MDE, in a form and manner determined by the Commissioner. The summary data must include information about the use of restrictive procedures, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
- ✓ Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
- ✓ Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
- ✓ Minn. Stat. § 121A.67.2 (Aversive and Deprivation Procedures)
- ✓ Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
- ✓ Minn. Stat. § 609.06 (Authorized Use of Force)
- ✓ Minn. Stat. § 609.379 (Permitted Actions)
- ✓ 20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy (FERPA))
- ✓ 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))
- ✓ 34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)

Cross References

- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)
- ✓ SPCPA Policy 525 (Violence Prevention)
- ✓ SPCPA Policy 800 (Crisis Management Policy)

601 School Curriculum and Instruction Goals

1. Purpose

The purpose of this policy is to establish broad curriculum parameters for the Saint Paul Conservatory for Performing Artists that ensures that the school will accomplish its mission and meet state and federal standards while creating the world's best workforce.

2. General Statement of Policy

It is the policy of the school to establish student performance goals to guide instruction and establish standards for course completion and graduation. The Board of Directors will periodically review the long-term strategic plan for the school to support and improve teaching and learning aligned with creating the world's best workforce.

3. Definitions

- A. **Instruction** means methods of providing learning experiences to enable students to meet graduation standards.
- B. **Curriculum** means written plans for providing students learning experiences that lead to accomplishment of graduation standards.
- C. **World's best workforce** means striving to: meet school readiness goals; have all students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.
- D. **Experiential learning** means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.

4. Student Performance Goals

- A. The school has established goals and benchmarks for instruction and student achievement for student categories identified in state and federal law and consistent with the mission to support and train aspiring preprofessional artists in

instrumental and vocal music, theater, and dance. These standards are subject to modification for students with unique learning needs recorded in an Individualized Education Program (IEP) or Rehabilitation Act Section 504 Accommodation plan.

- B. All students will be required to demonstrate essential skills to effectively participate in lifelong learning including:
 - 1. reading, writing, speaking, listening, and viewing in the English language;
 - 2. mathematical and scientific concepts;
 - 3. locating, organizing, communicating, and evaluating information and developing methods of inquiry (i.e., problem solving);
 - 4. creative and critical thinking, decision making, and study skills;
 - 5. work readiness skills;
 - 6. global and cultural understanding.
- C. Each student will have the opportunity and will be expected to develop and apply essential knowledge that enables that student to:
 - 1. live as a responsible, productive citizen and consumer within local, state, national, and global political, social, and economic systems;
 - 2. bring many perspectives, including historical, to contemporary issues;
 - 3. develop an appreciation and respect for democratic institutions;
 - 4. communicate and relate effectively in languages and with cultures other than the student's own;
 - 5. practice stewardship of the land, natural resources, and environment;
 - 6. use a variety of tools and technology to gather and use information, enhance learning, solve problems, and increase human productivity.
- D. Students will have the opportunity to develop creativity and self-expression through visual and verbal images, music, literature, world languages, movement, and the performing arts.
- E. School practices and instruction will be directed toward developing within each student a positive self-image and a sense of personal responsibility for:
 - 1. establishing and achieving personal and career goals;
 - 2. adapting to change;
 - 3. leading a healthy and fulfilling life, both physically and mentally;
 - 4. living a life that will contribute to the well-being of society;
 - 5. becoming a self-directed learner;
 - 6. exercising ethical behavior.

- F. Students will be given the opportunity to acquire human relations skills necessary to:
1. appreciate, understand, and accept human diversity and interdependence;
 2. address human problems through team effort;
 3. resolve conflicts with and among others;
 4. function constructively within a family unit;
 5. promote a multicultural, inclusive, gender-fair, disability-sensitive society.

5. Evaluation

- A. The school will regularly assess and evaluate each student's progress toward meeting state and local academic standards, assess, and identify students for participation in gifted and talented programs and accelerate their instruction, identify the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;
- B. The Board will periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, principal evaluations under Minn. Stat. §123B.147, Subd. 3, students' access to effective teachers who are members of populations under-represented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under Minn. Stat. § 120B.35, Subd. 3(b)(2), and teacher evaluations under Minn. Stat. § 122A.40, Subd. 8, or 122A.41, Subd. 5;
- C. The Board may consider strategies for improving instruction, curriculum, and student achievement, including the English and, where practicable, the native language development and the academic achievement of English learners;
- D. In developing the annual budget, the Board will apply school priorities to promote education effectiveness practices that integrate high-quality instruction, rigorous curriculum, technology, and a collaborative professional culture that develops and supports teacher quality, performance, and effectiveness.

Legal References

- ✓ Minn. Stat. § 124E.03 (Applicable Law)
- ✓ Minn. Stat. § 120B.11 (School District Process for Reviewing Curriculum, Instruction, And Student Achievement; Striving for The World's Best Workforce)
- ✓ Minn. Stat. § 120B.018 (Definitions)
- ✓ Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
- ✓ Minn. Stat. § 120B.11 (School District Process)
- ✓ Minn. Stat. § 120B.30, Subd. 1 (Statewide Testing and Reporting System)
- ✓ Minn. Stat. § 120B.35, Subd. 3 (Student Academic Achievement and Growth)
- ✓ Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)

- ✓ Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)
- ✓ Minn. Stat. § 123B.147, Subd. 3 (Principals)
- ✓ 20 U.S.C. § 5801, et seq. (National Education Goals 2000)
- ✓ 20 U.S.C. § 6301, et seq. (Every Student Succeeds Act)

Cross References

- ✓ SPCPA Policy 100 (School Mission Statement)
- ✓ SPCPA Policy 602 (Curriculum Development)
- ✓ SPCPA Policy 604 (Graduation Requirements)
- ✓ SPCPA Policy 616 (School System Accountability)

603 Curriculum Development

1. Purpose

The purpose of this policy is to provide direction for continuous review and improvement of the Saint Paul Conservatory of Performing Artists curriculum.

2. General Statement of Policy

Curriculum development shall support the fulfillment of the goals and objectives of the education program of the school.

3. Responsibility

- A. The superintendent shall be responsible for curriculum development and for determining the most effective way of conducting research on the school's curriculum needs and establishing a long-range curriculum development program. Timelines shall be determined by the superintendent that will provide for periodic reviews of each curriculum area.
- B. The Board of Directors Educational Program Committee shall provide assistance at the request of the superintendent.
- C. Within the ongoing process of curriculum development, the following needs shall be addressed:
 - 1. Provide for articulation of courses of study from grade nine through grade twelve.
 - 2. Identify minimum objectives for each course.
 - 3. Provide for continuing evaluation of programs for the purpose of attaining school objectives.
 - 4. Provide a program for ongoing monitoring of student progress.
 - 5. Provide for specific, particular, and special needs of all members of the student community.
 - 6. Integrate required and elective course standards in the scope and sequence of the school curriculum.
 - 7. Meet all requirements of the World's Best Workforce and the Every Child Succeeds Act.
- D. It shall be the responsibility of the superintendent to keep the board informed of all state-mandated curriculum changes, as well as recommended discretionary

changes and to periodically present recommended modifications for school review and approval.

- E. The superintendent shall have discretionary authority to develop guidelines and directives to implement board policy relating to curriculum development.

Legal References

- ✓ 20 USC §6031 (Every Child Succeeds Act)
- ✓ Minn Stat. §120B.11 (School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce)

Cross References

- ✓ SPCPA Policy 604 (Graduation Requirements)

604 Graduation Requirements

1. Purpose

The purpose of this policy is to establish requirements for graduation from the Saint Paul Conservatory for Performing Artists.

2. General Statement of Policy

The Saint Paul Conservatory for Performing Artists is bound by the state's course credit and assessment requirements for graduation from a Minnesota public high school. As is its right under law, the Board of Directors may add requirements that exceed those established by the state. It is a requirement of the school board that all students take and pass the full array of assigned arts offerings.

3. Definitions

- A. **Academic Standard** means:
1. A statewide adopted expectation for student learning outlined in the Minnesota Academic Standards documents for language arts, reading, social studies, science, and mathematics.
 2. A national expectation for student learning in World Language outlined by the American Council on the Teaching of Foreign Languages (ACTFL).
 3. A national expectation for student learning outlined in documents provided by the College Board for all Advanced Placement (AP) classes.
 4. A university expectation for student learning outlined in curriculum documents provided by the University of Minnesota for all College in the Schools courses.
- B. **Credit** means a student's successful completion of an academic year of study.
- C. **Section 504 Accommodation** means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities.
- D. **Individualized Education Program** or "IEP" means a written statement developed for a student eligible by law for special education and services.

4. Course Credit Calculation

The Carnegie Unit will be used to calculate the value of a one credit year long course. A Carnegie Unit is equivalent to 120 hours of instruction.

5. Academic Credit Requirements

- A. Students must earn four credits in language arts.
- B. Students must earn three credits in mathematics including courses encompassing geometry, advanced algebra, statistics, and probability.
- C. Students must earn three credits in science including biology and chemistry or physics.
- D. Students must earn four credits in social studies encompassing United States history, geography, government and citizenship, world history, and economics.
- E. Students must have at least seven credits in elective courses, as required by the state.
- F. State academic standards must be embedded in courses offered for credit toward graduation unless the course is part of a rigorous course of study.
- G. Only courses taken in 9th grade or later count toward these requirements.

6. Graduation-Required Assessments For Diploma (GRAD)

Specific academic course requirements are listed in the Academic Course Guide available on the SPCPA website.

7. Arts Credit Requirements

- A. To receive a diploma from the school, students must successfully complete the required credits in the arts. Credit requirements in the arts are determined based on the year an individual student enrolls in the school.

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

- B. Students who enter the school mid-year will have their credit requirements in the arts adjusted accordingly.
- C. Credits earned in arts count toward the state's elective credit requirement.
- D. Credit may be granted for work done away from the school, when approved by administration, as per Policy 620: SPCPA Equivalent Arts Credit for Off-Site Performance and Training.
- E. Students are required to be making progress toward meeting graduation requirements. Students earning No Credit (NC) or Fail (F) in arts courses are required to make up equivalent credit to meet the school's graduation

requirements by completing an online arts credit recovery course(s) or other school approved arts credit recovery course(s).

- F. Online arts credit recovery courses are only approved for arts classes in which a student earned a No Credit (NC) or Fail (F).

8. Assessments for Monitoring Progress

- A. During the high school years, students may monitor academic progress through Minnesota Comprehensive Assessments (MCA) in:
 - 1. Reading during grade 10
 - 2. Math during grade 11
 - 3. Science during the year the student takes Biology
- B. Students will have the opportunity to participate in a nationally normed college entrance exam during the school day, in grade 11 or grade 12.

9. Supplemental Online Learning Options

- A. Students may engage in supplemental online coursework as defined in Minnesota Statutes. A full-time student is eligible to take up to two (2) non-SPCPA provided online classes per semester. For each online class, the enrollment in SPCPA courses is reduced by one class. A full-time student is enrolled in four or more academic classes, at minimum one per content area (English, social studies, mathematics, and science).
- B. Online courses must be taken from online programs approved by the Minnesota Department of Education, as listed on its website.

10. Postsecondary Enrollment Options (PSEO)

- A. College and university courses approved by school administration and taken through the state's PSEO program can count toward the school's graduation requirements.
- B. A semester long four (4) credit college or university course is equivalent to one (1) credit.

11. Transfer of Credit

All academic credits transferred from an outside educational institution and applied toward the graduation requirements set forth by the school, the Board of Directors, and the state of Minnesota must be identified on official transcripts. This includes, but is not limited to the following: homeschooled courses, online courses, summer school courses, PSEO, or evening school courses.

12. Waivers and Exemptions

- A. Students may be exempted from these requirements as permitted by state and federal law.
- B. Exemptions must be approved by school administration, in consultation with the faculty, and reported to the Board of Directors prior to graduation.

Legal References

- ✓ Minn. Stat. § Ch. 120B.02 (Educational Expectations and Graduation Requirements for Minnesota's Students)
- ✓ Minn. Stat. § Ch. 120B.021 (Required Academic Standards)
- ✓ Minn. Stat. § Ch. 120B.024 (Credits)

Cross References

- ✓ SPCPA Policy 620 (Equivalent Credit for Off-site Performance and Training)

609 Religion

1. Purpose

The purpose of this policy is to identify the status of religion as it pertains to the programs of the Saint Paul Conservatory for Performing Artists.

2. General Statement of Policy

- A. The Saint Paul Conservatory for Performing Artists shall neither promote nor disparage any religious belief or non-belief. Instead, the Saint Paul Conservatory for Performing Artists encourages all students and employees to have appreciation for and respect of other's views.
- B. The Saint Paul Conservatory for Performing Artists also recognizes that religion has a significant role in the social, cultural, political, and historical development of civilization.
- C. The Saint Paul Conservatory for Performing Artists recognizes that one of its educational objectives is to increase its students' knowledge and appreciation of music, art, drama, and literature which may have had a religious basis or origin beyond its secular importance.
- D. The Saint Paul Conservatory for Performing Artists supports the inclusion of religious music, art, drama, and literature in the curriculum and in school activities provided it is intrinsic to the learning experience and is presented in an objective manner without sectarian indoctrination.
- E. The historical and contemporary values and the origin of various religions, holidays, customs, and beliefs may be explained in an unbiased and nonsectarian manner.

3. Responsibility

- A. It shall be the responsibility of school administration to ensure that the study of religious materials, customs, beliefs, and holidays in the school is in keeping with the following guidelines:
 - 1. The proposed activity must have a secular purpose.
 - 2. The primary objective of the activity must be one that neither advances nor inhibits religion.
 - 3. The activity must not foster excessive governmental relationships with religion.

4. Notwithstanding the foregoing guidelines, reasonable efforts will be made to accommodate any student who wishes to be excused from attendance at school for the purpose of religious instruction or observance of religious holidays.
- B. School administration is granted authority to develop and present for review and approval by the Board of Directors any directives and guidelines on teaching and use of materials related to religion. Approved directives and guidelines shall be attached as an addendum to this policy.

Legal References

- ✓ U. S. Const., amend. I
- ✓ Minn. Stat. § 120A.22, Subd. 12(3) (Compulsory Instruction)
- ✓ Minn. Stat. § 120A.35 (Absence From School for Religious Observance)
- ✓ Minn. Stat. § 121A.10 (Moment of Silence)
- ✓ Good News Club v. Milford Central School, 533 U.S. 98, 121 S.Ct. 2093, 150 L.Ed.2d 151 (2001)
- ✓ Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290, 120 S.Ct. 2266 (2000)
- ✓ Tangipahoa Parish Bd. of Educ. v. Freiler, 530 U.S. 1251, 120 S.Ct. 2706 (2000)
- ✓ Lemon v. Kurtzman, 403 U.S.602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971)
- ✓ Wigg v. Sioux Falls Sch. Dist., 382 F.3d 807 (8th Cir. 2004)
- ✓ Doe v. School Dist. of City of Norfolk, 340 F.3d 605 (8th Cir. 2003)
- ✓ Stark v. Independent Sch. Dist. No. 640, 123 F.3d 1068 (8th Cir. 1997)
- ✓ Florey v. Sioux Falls Sch. Dist. 49-5, 619 F.2d 1311 (8th Cir. 1980)
- ✓ Roark v. South Iron R-1 Sch. Dist., 573 F.3d 556 (8th Cir. 2009)
- ✓ Child Evangelism Fellowship v. Elk River Area Sch. Dist. No. 728, 599 F.Supp.2d 1136 (D. Minn. 2009)
- ✓ LeVake v. Independent Sch. Dist. No. 656, 625 N.W.2d 502 (Minn. App. 2001)
- ✓ Minn. Op. Atty. Gen. 169-J (Feb. 14, 1968)
- ✓ Minn. Op. Atty. Gen. 169-K (Oct. 21, 1949)
- ✓ Minn. Op. Atty. Gen. 63 (1940)
- ✓ Minn. Op. Atty. Gen. 120 (1924)
- ✓ Minn. Op. Atty. Gen. 121 (1924)

Cross References

- ✓ Policy 801 (Equal Access to School Facilities)

616 School System Accountability

1. Purpose

The purpose of this policy is to focus public education strategies on a process which promotes higher academic achievement for all Saint Paul Conservatory for Performing Artists students and ensures broad-based community participation in decisions regarding the implementation of the Minnesota Academic Standards, World's Best Workforce, and the federal Every Student Succeeds Act.

2. General Statement of Policy

The school will establish a system to review and improve instruction, curriculum, and assessment which will include substantial input by students, parent(s)/guardian(s), and local community members. The school will be accountable to the public and the state through annual reporting.

3. Definitions

- A. **Course credit** is equivalent to a student successfully completing an academic year of study or a student mastering the applicable subject matter as determined by the school.
- B. **Graduation Standards** means the course credit requirements and Minnesota Academic Standards that school must offer and certify that students complete to be eligible for a high school diploma.

4. Establishment of Goals; Implementation; Evaluation and Reporting

- A. **School Goals**
 - 1. The Board of Directors has established school goals which provide broad direction for the school. Incorporated in these goals are the graduation and education standards contained in the Minnesota Academic Standards, World's Best Workforce, and the federal Every Student Succeeds Act.
 - 2. The broad goals shall be reviewed annually and approved by the board based on the recommendations of the Education Program Committee.
- B. **System for Reviewing All Instruction and Curriculum**. Incorporated in the process will be analysis of the school's progress toward implementation of the Minnesota Academic Standards.

C. Implementation of Graduation Requirements

1. The Educational Program Committee shall advise the Board of Directors on implementation of the state and local graduation requirements, including K-12 curriculum, assessment, student learning opportunities, and other related issues.
2. The board shall annually review and determine if student achievement levels meet state expectations.
3. The educational assessment system component utilized by the board to measure individual students' educational progress must be based on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

D. Educational Program Committee

1. The Educational Program Committee will meet to advise and assist the school in the implementation of the school system accountability and comprehensive continuous improvement process.
2. The Educational Program Committee will:
 - a. Review the school instructional and curriculum plan, with emphasis on implementing the Minnesota Graduation Standards;
 - b. Identify annual instruction and curriculum improvement goals for recommendation to the board;
 - c. Make recommendations regarding the evaluation process that will be used to measure school progress toward its goals;
 - d. Make recommendations regarding the development of the "Annual Report on Curriculum, Instruction and Student Performance."

E. Reporting

An "Annual Report on Curriculum, Instruction and Student Performance" shall be approved by the Board of Directors and distributed to the public. A copy shall be sent to the Commissioner by October 15th of each year. The public report shall include, but not be limited to, the following:

1. Student performance goals for meeting the Graduation Standards;
2. Result of local assessment data and any additional test data, including all data required by Minn. Rules Chapter 3501;
3. School improvement plans;
4. Progress on previous improvement plans;
5. Names of advisory committee members, dates their terms expire, method of selection and application dates;

6. Periodic reports on constituencies' satisfaction with schools;
7. Biennial evaluations of the school testing program and AOM.

Legal References

- ✓ Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)
- ✓ Minn. Stat. § 120B.018 (Definitions)
- ✓ Minn. Stat. § 120B.11 (School District Process)
- ✓ Minn. Stat. § 120B.128 (Educational Planning and Assessment System (EPAS) Program)
- ✓ Minn. Stat. § 120B.35 (Student Achievement Levels)
- ✓ Minn. Stat. § 120B.36 (School Accountability; Appeals Process)
- ✓ Minn. Stat. § 122A.40, Subd. 8 (Employment; Contracts; Termination)
- ✓ Minn. Stat. § 122A.41, Subd. 5 (Teacher Tenure Act; Cities of the First Class; Definitions)
- ✓ Minn. Stat. § 123B.04 (Site Decision Making Agreement)
- ✓ Minn. Stat. § 123B.147, Subd. 3 (Principals)
- ✓ Minn. Stat. § 124E.03 (Applicable Law)
- ✓ Minn. Rules Chapter 3501 (Graduation Standards)
- ✓ 20 U.S.C. § 6301, et seq. (Every Student Succeeds Act)

Cross References

- ✓ SPCPA Policy 101 (Mission Statement)
- ✓ SPCPA Policy 600 (School Curriculum and Instructional Goals)
- ✓ SPCPA Policy 603 (SPCPA Equivalent Credit for Off-Site Performance and Training)
- ✓ SPCPA Policy 604 (Graduation Requirements)

620 Credit for Learning

1. Purpose

The purpose of this policy is to establish standards regarding SPCPA equivalent credit for off-site performance and training.

2. General Statement of Policy

SPCPA acknowledges the importance of authentic performance or unique training opportunities for qualifying students.

3. Equivalent Credit of Off-Site Performance And Training

- A. Students who maintain a satisfactory academic and arts record at SPCPA are given equivalent credit for SPCPA arts classes and appropriate support in academic work when participating in sanctioned performance or training opportunities.
- B. The standards of the organizations offering these opportunities must be approved by SPCPA. They must provide time sheets verifying student participation and complete evaluation forms for participating students provided by SPCPA.
- C. Students will be asked to sign contracts with SPCPA outlining the responsibilities and requirements necessary to receive credit.
- D. Contracts, time sheets, and evaluation forms from participating organizations will be reviewed by the artistic and academic faculty for recommendations for credit and/or grade given.
- E. Online arts credit recovery courses are only approved for arts classes in which a student earned a No Credit (NC) or Fail (F).

4. Postsecondary Enrollment Options (PSEO)

- A. Students wishing to take a PSEO course must receive approval from the school in order to receive credit for the course. The school will only approve PSEO courses which meet or exceed the academic requirements of SPCPA.
- B. PSEO course credit will be considered by the school only upon presentation of a certified transcript from an eligible institution showing the course taken and the grade and credit awarded.
- C. Seven quarter or four semester PSEO credits shall equal one full year of high school credit. Fewer PSEO credits may be prorated.

- D. The school may determine that the course meets the state requirements for a course required for graduation. If this occurs, the commensurate credit and grade will be recorded on the student's transcript as a course credit applied toward graduation requirements.
- E. If the PSEO course does not fully align with the content of a high school course required for graduation, the school will provide elective credit and the grade will be recorded on the student's transcript as an elective course credit applied toward graduation requirements.
- F. Any disputes about credit between the student and the school shall be resolved by the Superintendent in accordance with school policy. The decision may be appealed to the Minnesota Education Commissioner. The Commissioner's decision is final.
- G. If a student does not pass a PSEO course, the student may no longer enroll in PSEO courses.

Legal References

- ✓ Minn. Stat. § Ch. 124D.09 (Postsecondary Enrollment Options Act)

Cross References

- ✓ SPCPA Policy 103 (Complaints)
- ✓ SPCPA Policy 600 (School Curriculum and Instructional Goals)
- ✓ SPCPA Policy 604 (Graduation Requirements)

625 E-Learning

1. Purpose

The purpose of this policy is to establish procedures for conducting e-learning days due to inclement weather.

2. General Statement of Policy

The Saint Paul Conservatory for Performing Artists will implement a system to conduct e-learning days. The procedures will be created with input from staff and community members, in accordance with Minnesota statutes.

3. Definitions

- A. **E-learning day** means a school day where a school offers full access to online instruction provided by students' individual teachers due to inclement weather.

4. Plan

This plan was adopted in consultation with its teachers. The school may have up to five e-learning days in one school year. An e-learning day is counted as a day of instruction and included in the hours of instruction under Minn. Stat. § 120A.41.

5. Implementation

A. **Declaration**

An e-learning day will be declared if students are unable to meet on-campus due to inclement weather.

B. **Notification**

1. The school will notify parent(s)/guardian(s) and students of the e-learning day plan at the beginning of each school year.
2. On an e-learning day declared by the school, the school must notify parent(s)/guardian(s) and students at least two hours prior to the normal school start time that students need to follow the e-learning plan for that day.

C. **Teacher Access**

Teachers must be accessible both online and by telephone during normal school hours on an e-learning day to assist students and parent(s)/guardian(s).

D. **Attendance**

1. For each class, the teacher will take and record student attendance using a method approved by the school.
2. Before recording a student absent, teachers will attempt to contact the student to confirm if the student did or did not attend class.
3. Students who do not participate in planned activities are considered absent for those class(es) and will be reported as Absent Unexcused (AUE) just as if they were not present for an on-campus class.
4. Absent students will be required to complete the work assigned on the e-learning day following the same procedures as they would had they missed an on-campus class.
5. Students whose family chooses to not participate in the e-learning day are reported as Absent Unexcused (AUE).

E. **Content**

Teachers will implement lessons that integrate as seamlessly as possible into the regular instruction that has been occurring. Classes will include some level of interaction, progress monitoring, and/or feedback between teachers and students.

F. **Accessibility**

1. The school will identify and accommodate students and families meeting one or more of the following criteria:
 - a. Students without internet access at home.
 - b. Students without access to digital devices.
 - c. Families with an insufficient amount of technology for the number of children in the household.
 - d. Students that cannot access technology due to the rules of a childcare provider.
 - e. Students that cannot use technology due to religious reasons.
2. The school will provide accessible options for students with disabilities. This will be included in the student's Individualized Education Plan/504 plan.

6. Exceptions

The school will not hold an e-learning day if the governor orders schools closed.

Legal References

- ✓ Minn. Stat. § 12.21 Subd. 3 (Governor)
- ✓ Minn. Stat. § 120A.41 (Length of School Year; Hours of Instruction)
- ✓ Minn. Stat. § 120A.414 (E-Learning Days)

Cross References

- ✓ SPCPA Policy 503 (Attendance)
- ✓ SPCPA Policy 609 (Religion)

Distance Learning Policy

1. Purpose

In response to Minnesota's Emergency Executive Order 20-02, this school has established a distance learning plan to ensure that students receive equitable educational opportunities during a school closure as a result of COVID-19.

2. General Statement of Policy

The school will implement a distance learning plan that allows for the continued education of all students, including students receiving special education services, multilingual learners, students experiencing homelessness, and students who rely on meals served at school. If feasible, the school will follow the procedures of the school E-Learning Policy. Parent(s)/Guardian(s) are encouraged to contact the school if they have extenuating circumstances. The school will make all efforts to help students and families during this unique and challenging situation.

3. Definitions

- A. **Distance Learning** means that a student receives daily interaction with their licensed teacher(s) and appropriate educational materials.
- B. **Emergency Workers** includes healthcare personnel, emergency medical services personnel (full-time), law enforcement personnel, firefighter personnel, personnel providing correctional services, public health employees, and court personnel as defined by the Minnesota's Q-and-A on School Closure – 03.15.2020 notice.
- C. **E-Learning day** means a school day where a school offers full access to online instruction provided by students' individual teachers due to inclement weather.
- D. **Extended care** means childcare provided before and after regular school hours.

4. Care for Children of Families of Emergency Workers

The school recognizes the importance of emergency workers during the COVID-19 pandemic and fully supports assisting those members of the school community by providing education and care to their children.

- A. The school will provide care to enrolled students who are children of emergency workers critical to Minnesota's response to COVID-19.

- B. The school may verify eligibility of students for this service. This may include securing a letter from the employer or showing an employment badge.
- C. At the request of the Governor, the school may also provide extended care to students of emergency workers and other response and recovery personnel.

5. EDUCATION

A. **Declaration**

- 1. A distance learning day will be declared by the Minnesota Governor and/or the superintendent to protect the health of the community during a public health emergency due to COVID-19.

B. **Notification**

- 1. The school will notify parent(s)/guardian(s) of a distance learning day at least two hours prior to the normal school start time that students need to follow the distance learning lesson plans for the day(s). Materials will be distributed to students-based on the distance learning plan and contact information for connecting with the licensed teacher(s) will be listed in the plan.
- 2. The school will post lesson plans on its website.

C. **Teacher Access**

- 1. Students will receive daily interaction with their licensed teacher(s). Teachers will be accessible during normal school hours to assist students and parent(s)/guardian(s).
- 2. Teachers will monitor student progress and provide feedback to students through regular meetings and/or alternate communications (email, text messaging, learning management systems).
- 3. If using an online learning management system, the school will ensure it can effectively provide differentiated instruction as well as one-on-one support for students who need it.

D. **Attendance**

- 1. All students should follow the school's attendance policy for excused absences.
- 2. For each class, the teacher will take and record student attendance using a method approved by the school. The school's method will separate attendance and performance to accommodate access limitations for video or audio connections, for students experiencing homelessness, housing instability, or otherwise limited or inconsistent access to connection media and working spaces.
- 3. Before recording a student absent, teachers will attempt to contact the student to confirm attendance and/or performance of the work.

4. Students who do not participate in planned activities are considered absent for those class(es) and will be reported as absent under the school's attendance policy.
5. Absent students will be required to complete the work assigned on the distance learning day following the same procedures as on-campus absences.
6. The school may change or waive any attendance requirements on a case-by-case basis. The school encourages parent(s)/guardian(s) to contact the school if they encounter or expect to encounter any difficulties participating in distance learning as described by this policy and the distance learning plan.

E. Content

1. The school will provide materials for students to continue their learning. This may take the form of worksheets, textbooks, telephone instruction, online resources, or other methods.
2. Teachers will implement lessons that integrate as seamlessly as possible into the regular instruction that has been occurring.

F. Access to Technology

1. If using electronic equipment to implement the distance learning policy, the school will identify and accommodate students and families meeting one or more of the following criteria:
 - a. Students without internet access at home.
 - b. Students without access to digital devices.
 - c. Families with an insufficient amount of technology for the number of children in the household.
 - d. Students that cannot access technology due to the rules of a childcare provider.
 - e. Students that cannot use technology due to religious reasons.

G. Special Education Services

1. The school will ensure that students with disabilities will continue to receive specialized instruction and related services through a distance learning model to meet their identified needs.
2. The school will ensure equitable access to specialized instruction and related services for students with disabilities to maintain access to general education standards and continue to demonstrate progress toward the general education standards and IEP goals.
3. The school will develop a process to communicate with parent(s)/guardian(s) regarding their child(ren)'s services, which may include amending IEP's to address the student's needs in a flexible or distance learning model.

4. The school will develop a protocol to communicate with school administrators and educators in order to prepare staff to plan for the needs of students eligible for special education, child find activities, evaluations/reevaluations, and IEP implementation.

H. English Language Learners

1. The school will continue to serve English learners during distance learning days.
2. To the extent possible, classes will reflect the language proficiency of the students.
3. In order to keep families informed, the school will continue methods of communication with parent(s)/guardian(s) of students that do not use English as a primary language.

I. Students Experiencing Homelessness or Housing Instability

1. The school understands that students facing homelessness may be particularly vulnerable to the economic impacts of the COVID-19 pandemic. The school will work with students experiencing homelessness or housing instability to minimize the impact that their situation has on their educational experience.

This includes the following measures:

- a. Monitoring participation and engagement in distance learning as a distinct group, to help guide whether additional staff support, engagement, or assistance are needed for students experiencing homelessness. This includes monitoring for
 - i. Attendance
 - ii. Participation
- b. Scheduling leadership-level reviews of the efficacy of distance learning plans and approaches for homeless students and considering alternatives or additional support needs as part of that review.
- c. Monitoring emerging guidance or recommendations on supporting homeless students and implementing changes as appropriate.
- d. Maintaining regular contact with local public health departments, county or Tribal human services departments, and Continuum of Care planning bodies on ongoing or emerging needs and to connect to resources that can assist students and parent(s)/guardian(s) experiencing homelessness or housing insecurity.
- e. Coordinating with organizations and community members to secure access to appropriate educational spaces for studying during distance learning days.

6. Cooperation with Tribal Communities

The school will communicate with local Tribal leaders, city and county governmental agencies, volunteer organizations, and private sector companies to ascertain how students' needs will be identified and met. This may include resource distribution, mental health needs, and educational opportunities.

7. Activities

All in-person school-sponsored activities that are scheduled during the statewide school closure are suspended until in-person school resumes.

8. Nutrition

Meals will not be provided during distance learning days.

9. Staff

Before implementing this policy, the school will provide training to staff on distance learning practices. All staff, including non-salaried, hourly staff, will earn pay and benefits as planned in the school budget and bargaining agreements.

10. Date of Implementation

This policy will begin effective March 30, 2020 and will remain in effect as long as state law allows and emergency declarations are in effect.

11. Notification

This policy will be posted on the school website.

Legal References and Additional Resources

- ✓ [MN Executive Order 20-02 \(Authorizing and Directing the Commissioner of Education to Temporarily Close Schools to Plan for a Safe Educational Environment\)](#)
- ✓ [MN Q-and-A on School Closure – 03.15.2020](#)
- ✓ [MN § 12.21 subd. 3, para. \(11\) \(Governor\)](#)
- ✓ [MN § 120B.11 \(School District Process for Reviewing Curriculum, Instruction, and Student Achievement; Striving for the World's Best Workforce\)](#)
- ✓ [MN § 126C.05, subd. 11 \(Definition of Pupil Units\)](#)
- ✓ [20 U.S.C. § 6301, et seq. \(Every Student Succeeds Act\)](#)
- ✓ [42 U.S.C. § 11301, et. seq. \(McKinney-Vento Homeless Education Assistance Improvements Act of 2001\)](#)

700 School Budget

1. Purpose

The purpose of this policy is to establish lines of authority and procedures for the establishment and modification of the Saint Paul Conservatory for Performing Artists' revenue and expenditure budgets.

2. General Statement of Policy

It is the policy of this school to establish its revenue and expenditure budgets in accordance with the applicable provisions of law. Budget planning is an integral part of program planning so that the annual budget will effectively express and implement Board of Directors' goals and the priorities of the school.

3. Requirement

- A. The superintendent shall prepare preliminary revenue and expenditure budgets for review by the Board of Directors each year. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the Board of Directors and the public. The Board of Directors shall review the projected revenues and expenditures for the school for the next fiscal year and make such adjustments in the expenditure budget as necessary to carry out the education program within the revenues projected.
- B. Prior to July 1 of each year, the Board of Directors shall approve and adopt its initial revenue and expenditure budgets for the next school year. The adopted expenditure budget document shall be considered the Board of Directors' expenditure authorization for that school year. No funds may be expended for any purpose in any school year prior to the adoption of the budget document which authorizes that expenditure for that year, or prior to the adoption of an amendment to that budget document by the Board of Directors to authorize that expenditure for that year.

4. Implementation

- A. The Board of Directors places the responsibility for administering the adopted budget with the superintendent. The superintendent may delegate related duties to other school officials, but maintains the ultimate responsibility for this function.
- B. The program-oriented budgeting system will be supported by a program-oriented accounting structure organized and operated on a fund basis as provided for in

Minnesota statutes through the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts (UFARS).

- C. The superintendent is authorized to make payments of claims or salaries authorized by the adopted or amended budget prior to approval by the Board of Directors.
- D. Supplies and capital equipment can be ordered prior to budget adoption only by authority of the Board of Directors. If additional personnel are provided in the proposed budget, actual hiring may not occur until the budget is adopted unless otherwise approved by the Board of Directors. Other funds to be expended in a subsequent school year may not be encumbered prior to budget adoption unless specifically approved by the Board of Directors.
- E. The school shall make such reports to the Commissioner as required relating to initial allocations of revenue, reallocations of revenue and expenditures of funds.

5. Modification

- A. The school's adopted expenditure budget shall be considered the Board of Directors' expenditure authorization for that school year.
- B. If revisions or modifications in the adopted expenditure budget are determined to be advisable, the superintendent shall recommend the proposed changes to the Board of Directors. The proposed changes shall be accompanied by sufficient and appropriate background information on the revenue and policy issues involved to allow the Board of Directors to make an informed decision. A member of the Board of Directors may also propose modifications on that member's own motion. However, the member is encouraged to review the proposed modifications with the superintendent prior to their being proposed so that the administration may prepare necessary background materials for the Board of Directors prior to its consideration of those proposed modifications.
- C. If sufficient funds are not included in the expenditure budget in a particular fund to allow the proposed expenditure, funds for this purpose may not be expended from that fund prior to the adoption of an expenditure budget amendment by the Board of Directors to authorize that expenditure for that school year. An amended expenditure shall not exceed the projected revenues available for that purpose in that fund.
- D. The school's revenue budget shall be amended from time to time during a fiscal year to reflect updated or revised revenue estimates. The superintendent shall make recommendations to the Board of Directors for appropriate revisions. If necessary, the Board of Directors shall also make necessary revisions in the expenditure budget if it appears that expenditures would otherwise exceed revenues and fund balances in a fund.

702 Accounting

1. Purpose

The purpose of this policy is to adopt the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts provided for in guidelines adopted by the Minnesota Department of Education.

2. General Statement of Policy

It is the policy of the Saint Paul Conservatory for Performing Artists to comply with the Uniform Financial Accounting and Reporting Standards for Minnesota School Districts.

3. Maintenance of Books and Accounts

The school shall maintain its books, records, and do its accounting and reporting in compliance with the Uniform Accounting and Reporting Standards for Minnesota School Districts (UFARS) provided for in the guidelines adopted by the Minnesota Department of Education and in compliance with applicable state laws and rules relating to reporting of revenues and expenditures.

4. Reporting

The Board of Directors shall provide for an annual audit of the books and records of the school to assure compliance of its records with UFARS.

Legal References

- ✓ Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting Requirement)

703 Annual Audit

1. Purpose

The purpose of this policy is to provide for an annual audit of the books and records of the Saint Paul Conservatory for Performing Artists in order to comply with law, to provide a permanent record of the financial position of the school, and to provide guidance to the school to correct any errors and discrepancies in its practices.

2. General Statement of Policy

It is the policy of the Saint Paul Conservatory for Performing Artists to comply with all laws relating to the annual audit of the books and records of the school.

3. Requirement

- A. The Board of Directors shall appoint independent certified public accountant(s) to audit, examine, and report upon the books and records of the school. The Board of Directors may enter into a contract with a person or firm to provide the agreed upon services.
- B. After the close of each fiscal year, the books, records, and accounts of the school shall be audited by said independent certified public accountants in accordance with applicable standards and legal requirements. The superintendent and members of the administration shall cooperate with the auditors.
- C. Prior to September 15 of each year, the school shall submit unaudited financial data for the preceding year to the Commissioner of the Department of Education (the Commissioner) on forms prescribed by the Commissioner.
- D. The school shall, prior to November 30 of each year, provide to the Commissioner audited financial data for the preceding fiscal year. The school shall, prior to December 31 of each year, provide to the Commissioner, the State Auditor, and the school's authorizer an audited financial statement in a form that will allow comparison with and correction of material differences in the unaudited data. The audited financial statement must also provide a statement of assurance pertaining to compliance with uniform financial accounting and reporting standards and a copy of the management letter submitted to the school by its auditor.
- E. The audit must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act and the Minnesota Legal Compliance Guide issued by the Office of the State Auditor.

- F. The Board of Directors must approve the audit report by resolution or require a further or amended report.
- G. The administration shall report to the Board of Directors regarding any actions necessary to correct any deficiencies or exceptions noted in the audit.
- H. The accounts and records of the school shall also be subject to audit and inspection by the State Auditor in accordance with Minnesota law.

Legal References

- ✓ Minn. Stat. Ch. 6 (State Auditor)
- ✓ Minn. Stat. § 123B.14, Subd. 7 (Clerk Records)
- ✓ Minn. Stat. § 123B.77 (Accounting, Budgeting, and Reporting Requirement)
- ✓ Minn. Stat. § 124E.16 (Reports)

Cross Reference

- ✓ SPCPA Policy 700 (School Budget)

705 Purchasing Authority

1. Purpose

The Board of Directors endorses the concept of centralized purchasing and directs the superintendent to develop and maintain an efficient purchasing system for all supplies, equipment and materials in accordance with state law and accepted purchasing practices.

2. General Statement of Policy

Purchasing transactions will be authorized on properly signed purchase orders or administered by purchasing cards through Bremer Bank. Purchasing or the incurrence of obligations on behalf of the school may only be made within the framework of Board of Directors' adopted budgets. The superintendent is authorized to contract for goods and services in accordance with the provisions of Minnesota law.

Legal References

- ✓ Minn. Stat. § 123B.52 Subd. 2 (Contract within Budgeted Amounts)

706 Acceptance of Gifts

1. Purpose

The purpose of this policy is to provide guidelines for the acceptance of gifts by the Board of Directors of the Saint Paul Conservatory for Performing Artists.

2. General Statement of Policy

It is the policy of this school to accept gifts only in compliance with state law and the purposes and interests of the school.

3. Acceptance of Gifts Generally

The Board may receive, for the benefit of the school, bequests, donations or gifts for any proper purpose. The board shall have the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the school and whether it should be accepted or rejected.

4. Gifts of Real or Personal Property

The Board may accept a gift, grant, or devise of real or personal property in accordance with the terms of the donor only by the adoption of a resolution approved by two-thirds majority. The real or personal property so accepted may not be used for religious or sectarian purposes.

5. Administration in Accordance with Terms

If the Board agrees to accept a bequest, donation, gift, grant, or devise which contains preconditions, conditions, or limitations on use, the Board shall administer it in accordance with those terms. Once accepted, a gift shall be the property of the school unless otherwise provided in the agreed upon terms.

If the gift is for capital facilities' needs, the school may receive money from any source, but shall report the total amount of funds it received from grants and other outside sources in the year-end report to the Commissioner.

Legal References

- ✓ Minn. Stat. §123B.02.6 (bequests; donations; gifts)
- ✓ Minn. Stat. §124E.12 (Employment)

- ✓ Minn. Stat. §124E.14 (Conflicts of Interest)
- ✓ Minn. Stat. §124E.24 (Other Aid, Grants, and Revenue)
- ✓ Minn. Stat. §465.03 (Gifts to Municipalities)

709 Student Transportation Safety

1. Purpose

The purpose of this policy is to ensure the safety of students using transportation to or from school locations or school events.

2. General Statement of Policy

Students will act in a responsible manner while using transportation according to the Saint Paul Conservatory for Performing Artists policies and procedures.

3. Definitions

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.

4. Student Behavior Using Transportation

Students are encouraged to follow the [Metro Transit Code of Conduct](#) when traveling on Metro Transit buses and trains. Inappropriate actions or language are grounds for being banned from Metro Transit services for 30 days or more and the Student Pass could be deactivated. Students with a lost pass may request a replacement and reactivation from the school. If the Student Pass is deactivated for behavioral issues, students are responsible for their own transportation.

Students using other modes of transportation to, from, or during the school day must follow all SPCPA policies and procedures.

5. Parent and Guardian Involvement

Parent(s)/guardian(s) are responsible for understanding school policies and policies regarding transportation and reviewing those guidelines with their child(ren). If they have

any concerns about safety and security of students taking Metro Transit, parent(s)/guardian(s) should contact Metro Transit.

6. Notification

In the event of an emergency related to transportation, the school will notify parent(s)/guardian(s) through the use of announcements or text messages in accordance with emergency communication policies and procedures. If parent(s)/guardian(s) receive notification regarding student transit emergencies, school notification is requested in accordance with attendance policies.

7. Discipline

Students found to have violated this policy shall be reported to the superintendent and will be disciplined according to the Student Discipline Policy. In cases involving criminal conduct, appropriate school personnel and local law enforcement officers will be notified.

Legal References

- ✓ Metro Transit Code of Conduct (<https://www.metrotransit.org/code-of-conduct>)

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 504 (Student Dress and Appearance)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 512 (Attendance and Participation)
- ✓ SPCPA Policy 514 (Bullying Prohibition)
- ✓ SPCPA Policy 525 (Violence Prevention)
- ✓ SPCPA Policy 526 (Hazing Prohibition)
- ✓ SPCPA Policy 806 (Crisis Management)

715 Purchasing Group Health Insurance Coverage

1. Purpose

The purpose of this policy is to define the required actions followed by the Saint Paul Conservatory for Performing Artists when purchasing group health insurance, in accordance with Minnesota statutes and other applicable laws.

2. General Statement of Policy

- A. At least once every two (2) years, the Saint Paul Conservatory for Performing Artists will issue a Request for Proposal (RFP) from at least three (3) different group health insurance sources or issuers. In consultation with the agent of record, the school will determine:
 - 1. from which insurance carriers to request proposals;
 - 2. whether to request proposals from more than three (3) carriers; and
 - 3. to evaluate a self-funded coverage option, if appropriate.

The school may provide direction to its agent of record regarding the RFP and the agent of record will follow such directions with respect to any of the forgoing issues.

- B. The school's agent of record will supply to the providers from which proposals are requested all information and documentation required by the provider as a condition of making a proposal. The school will cooperate with its agent of record to gather and/or obtain the necessary information and documentation, including obtaining it from the school's employees.
- C. The RFP will include a deadline by which proposals must be submitted. Such deadline will be selected by the school's agent of record and will provide the agent of record and school sufficient time following receipt of the proposals to review the proposals, negotiate with providers, select the winning proposal, and implement the new group health insurance contract prior to its effective date.
- D. The school's agent of record will request that providers submit proposals in a sealed format. For this purpose, a sealed format will include a sealed envelope or a secure email. Proposals submitted in other formats will be rejected.
- E. After expiration of the deadline for submission of proposals, the school's agent of record will open the sealed proposals at the same time. The school may (but is not

required to) have a representative or representatives present at the time the proposals are opened. No proposals will be accepted after the applicable deadline.

- F. Upon the opening of the proposals, the school will treat the proposals as public data.
- G. After the opening of the proposals, the school's agent of record will, within a reasonable period of time, transmit information regarding each proposal to the authorized representatives of the school. The agent of record will present such information in a format determined by the agent of record or as requested by the school.
- H. The school, with the assistance of the agent of record, reserves the right to request additional information regarding any proposal and/or to negotiate changes to a proposal.
- I. The school's authorized representatives, with the assistance of the agent of record, will evaluate all proposals, including any revisions thereto. The school reserves the right to accept the proposal which, in the judgement of the school, is determined to be in the best interest of the school and taking into account multiple factors, including but not limited to rates, benefit plan designs, provider networks, prescription drugs, aggregate benefits, and other factors the school determines to be relevant to its decision. The school reserves the right to reject any or all proposals.
- J. The Board of Directors, in its sole discretion, will select the group health insurance contract into which the school will enter. This can be done in a board meeting or in writing as authorized by the school's charter contract.
- K. Following the selection of the group health insurance contract, SPCPA will notify all eligible employees of any changes that occur as a result of entering into a new group health insurance contract. The school will provide such notice prior to the effective date of the contract.

Legal References

- ✓ Minn. Stat. §124E.12, subd. 5 (Charter Schools; Group Health Insurance)
- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

722 Public Data Requests

1. Purpose

Saint Paul Conservatory for Performing Artists will follow state and federal regulations when responding to requests for public data.

2. General Statement of Policy

SPCPA will comply with the Minnesota Government Data Practices Act and related Minnesota Rules in responding to requests for public data.

3. Definitions

- A. **Public Data** means “data on individuals,” not classified by state statute, including Minnesota Statutes, section 13.06, or federal law, as private or confidential data.
- B. **Data Officer** means the responsible authority designated by the Board of Directors that is responsible for the collection, use, and dissemination of data on individuals, public/government data, or summary data. If there is no designated individual, the data officer is the superintendent. The Board of Directors hereby designates the superintendent, **Callie Jacobs, 16 W 5th Street, Suite 244, St. Paul, MN 55102, 651-290-2225, jacobsc@spcpa.org**, as the Data Officer.
- C. **Summary Data** means data which have been extracted, manipulated, or summarized from private or confidential data, and from which all elements that could link data to a specific individual have been removed. Summary data includes, but is not limited to, statistical data, case studies, reports of incidents, and research reports. Once summarized from private or confidential data, summary data remains summary even if the data officer maintains unique individual identifiers in the summary data that are both physically separated from the summary data set and not available to persons who gain access or possession summary data.

4. Requests for Public Data

- A. All requests for public data must be made in writing directed to the data officer.
 - 1. All requests for public data must include:
 - a. Date of the request;
 - b. A clear description of the data requested;
 - c. Identification of the form in which the data are to be provided; and

- d. Method to contact the requestor
2. A requestor is not required to explain the reason for the data request.
3. The identity of the requestor is public, if provided, but cannot be required by the school.
4. The data officer may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- B. The data officer will respond to a data request in a reasonable time through the designated contact method specified in the request:
 1. The data officer will provide a written response to the request that:
 - a. The requested data does not exist; or
 - b. The requested data does exist but either all or a portion of the data are not accessible to the requestor; or
 - i. If the data officer determines that the requested data are classified and grant of access to the requestor is denied, the data officer will provide the determination in writing, as soon thereafter as possible, citing the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.
 - ii. Upon the request of a requestor who is denied access to data, the data officer shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.
 - c. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor does not appear at the time and place established for inspection of the data or the data are not picked up within ten (10) business days after the requestor is notified, the school will conclude that the data are no longer wanted and will consider the request closed.
 2. The school's response time may be affected by the size and complexity of the request, including necessary redactions or the number of requests made within a period.
 3. The school will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data upon request.
 4. The school is not required by the Minnesota Government Data Practices Act to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school does not keep the data in that form or arrangement.
 5. The school is not required to respond to questions that are not about a data request or requests for data in general.

5. Requests for Summary Data

- A. A request for the preparation of summary data shall be made in writing to the data officer.
 - 1. A request for the preparation of summary data must include the following information:
 - a. Date of the request;
 - b. A clear description of the data requested;
 - c. Identify the form in which the data are to be provided; and
 - d. Method to contact the requestor
- B. The data officer will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor of:
 - 1. The estimated costs of preparing the summary data, if any; and
 - 2. The summary data requested; or
 - 3. A written statement describing a schedule for preparing the requested summary data, including reasons for any delays; or
 - 4. A written statement describing the reasons why the data officer has determined that the requestor's access would compromise private or confidential data.
- C. The school may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school begins preparing the summary data.

6. Costs

- A. Public Data
 - 1. The school will charge for copies provided as follows:
 - a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.
 - b. More than 100 pages or copies on other materials are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.
 - i. The actual cost of making copies includes employee time, the cost of the materials onto which the data are copied, and mailing costs (if any).
 - ii. If the school does not have the capacity to make the copies, the actual cost paid by the school to an outside vendor will be charged.

2. All charges must be paid for in cash in advance of receiving the copies.

B. Summary Data

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The school may assess costs associated with the preparation of summary data as follows:
 - a. The cost of materials, including paper, the cost of the labor required to prepare the copies, and schedule of standard copying charges established by the school, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
 - b. The school may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

Legal References

- ✓ Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- ✓ Minn. Rules Ch. 1205 (Data Practices)

Cross References

- ✓ SPCPA Policy 406 (Public and Private Personnel Data)
- ✓ SPCPA Policy 515 (Protection and Privacy of Pupil Records)
- ✓ SPCPA Policy 520 (Student Surveys)

Roles

- ✓ Superintendent: Data Officer
- ✓ Board of Directors: Responsible for selecting the Data Officer

801 Equal Access to School Facilities

1. Purpose

The purpose of this policy is to define Saint Paul Conservatory for Performing Artists' policy regarding the use of school facilities by student groups during noninstructional time.

2. General Statement of Policy

- A. The school will not deny access or discriminate against any students wishing to conduct a meeting based on the religious, political, philosophical, or other content of the speech at such meetings.
- B. The school allows for a limited open forum for students enrolled in the school to hold noncurriculum related meetings. Student groups wishing to meet during noninstructional time will have equal access and a fair opportunity to conduct such meetings.
- C. Student use of facilities under this policy does not imply school sponsorship or approval of the content at such meetings.
- D. The school will not regulate the content of speech at student meetings, nor compel staff to attend such meetings.

3. Definitions

- A. **Limited Open Forum** means that the school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.
- B. **Sponsorship** includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.
- C. **Meeting** includes activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.
- D. **Noninstructional time** means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including such other periods that occur during the school day when no classroom instruction takes place.

4. Fair Opportunity Criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that:

- A. The meeting is voluntary and student-initiated.
- B. There is no sponsorship of the meeting by the school, the government, or its agents or employees.
- C. Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity.
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
- E. Nonschool persons may not direct, control, or regularly attend activities of student groups.

5. Procedures

- A. Any student wishing to initiate a meeting must make a request to an administrator at least forty-eight (48) hours ahead of the planned meeting. The student must inform the administrator of the proposed time and date of the meeting, and estimated number of students. The student must agree to the following.
 - 1. All meetings must comply with any existing policies, regulations, and procedures that govern operation of school-sponsored activities.
 - 2. The activities or meetings are voluntary and student-led.
- B. Student groups meeting under this policy must comply with the following rules.
 - 1. Those attending must not engage in any activity that is illegal or which materially and substantially interferes with the orderly conduct of the educational activities of the school. Such activities shall be the grounds for discipline of an individual student and grounds for the group to be denied access.
 - 2. The groups may not use the school name or logos, or any name that might imply school sponsorship.
 - 3. The faculty or staff advisor may be present and supervise at all times.
 - 4. The groups must comply with any additional school policies, regulations, and procedures governing school-sponsored activities.
 - 5. The group will assume full responsibility for any damage to equipment or the building.
- C. The approving administrator shall:
 - 1. Maintain a record of applications for meetings.

2. Find and assign a suitable location for the meeting. The number of students attending the meeting may not exceed the safe capacity for the location.
 3. Note the condition of the facilities and equipment before and after use.
 4. Ensure the meeting is properly supervised.
 5. Ensure that the meeting does not interfere with the school's regular instructional activities.
- D. The school will not expend funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space.

Legal References

- ✓ 20 U.S. Code § 4071 (Denial of Equal Access Prohibited)

Cross References

- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 609 (Religion)

806 Crisis Management

1. Purpose

The Board of Directors of the Saint Paul Conservatory for Performing Artists understands the importance of having a Crisis Management Policy to coordinate protective actions prior to, during, and after any type of emergency or potential crisis in the school.

2. General Information

A. The Policy and Plans

The school's Emergency Preparedness Plan will be created in consultation with local community response agencies and other appropriate individuals and groups likely to be involved in assisting with a school emergency.

School administration shall present an Emergency Preparedness Plan to the Board of Directors for review and approval. Upon approval by the board, the Emergency Preparedness Plan shall be an addendum to this policy. This policy and plan will be maintained and updated annually.

B. Elements of the School Crisis Management Policy

1. **General Crisis Procedures.** The plan will include general crisis procedures for securing the building, classroom evacuation, building evacuation, campus evacuation, and sheltering. It designates the individual(s) who will determine when these actions will be taken.
2. **Additional Procedures.** The school will maintain a list of external resources for responses to certain emergency or crisis situations. In the event of an emergency or crisis situation, school administration will present a response plan to the Board of Directors or Board Executive Committee for approval.

C. Crisis Response Teams

1. **Composition.** A building administrator will select a crisis response team trained to respond in an emergency. All team members will be trained to carry out the building's crisis management plan and have knowledge of procedures, evacuation routes, and safe areas. Team members must be willing to be actively involved with resolving crises and be available to assist when necessary.
2. **Leaders.** The building administrator or designee serves as the leader of the crisis response team and the principal contact for emergency response officials. When they are present, emergency response agents may elect to take command and control of the situation.

3. Preparation Before an Emergency

A. **Communication**

1. **Staff.** All staff must be aware of the building's Emergency Preparedness Plan. Employees shall receive a copy of the relevant building specific Emergency Preparedness Plan and periodically shall receive training on plan implementation.
2. **Students and Parent(s)/Guardian(s).** Students and parent(s)/guardian(s) shall be made aware of the school's Crisis Management Policy and Emergency Preparedness Plans. Students shall receive specific instruction on plan implementation and shall participate in a required number of drill and practice sessions throughout the year.

B. **Planning and Preparing for a Fire**

1. Designate safe areas for each building to enable students and staff to evacuate. The safe area should not interfere with emergency responders or responding vehicles and should not be in an area where evacuated persons are exposed to any products of combustion.
2. Each building's facility diagram and site plan shall be available in appropriate areas of the building and shall identify the most direct evacuation routes to the designated safe areas both inside and outside of the building.
3. Teachers and staff will know the exit pathways from their teaching and working spaces. During fire drills, students and staff will practice evacuations using primary evacuation routes and alternate routes.
4. Evacuation procedures will include specific procedures for children with special needs, including children with limited mobility, visual impairments, hearing impairments, and other sensory, developmental, or mental health needs. This information will be included in the IEP and/or 504 plans of each student as appropriate.
5. Fire drills will be conducted periodically without warning at various times of the day and under different circumstances. A minimum of five fire drills each school year are required by Minn. Stat. § 299F.30 and § 121A.035.
6. A record of fire drills conducted at each building will be maintained in the administrator's office.
7. The school will have prearranged sites for emergency sheltering.
8. The school will determine which staff will remain in the building to perform essential functions if safe to do so. An administrator or designee will meet local fire or law enforcement agents upon their arrival.

C. **Facility Diagrams and Site Plans**

Where practicable, the school will have a facility diagram and site plan showing at least the following: the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, the fire alarm control panel, fire alarms, fire extinguishers, hoses, water spigots, and utility shut offs. The facility diagrams and site plans will be available in the main office, including the office of the authorizer. Facility diagrams and site plans will be provided to first responders, such as fire and law enforcement personnel.

4. Response During and After an Emergency

A. **Emergency Telephone Numbers**

Each building will have a current list of emergency telephone numbers and the names and addresses of local and county personnel who are likely to be involved in resolving a crisis situation. The list will include numbers for agencies that could be contacted during a crisis or emergency. This list will be kept on file in the school's main office and updated annually.

B. **Warning and Notification Systems**

The school shall maintain a warning system, such as alarms, announcements, and text messages, designed to inform students, employees, and visitors in the facilities of a crisis or emergency. This system shall be maintained on a regular basis. The Emergency Preparedness Plan will inform students and employees of the system and the means by which the system is used to identify the specific crisis or emergency involved.

C. **Early School Closure Procedures**

The superintendent will make decisions about closing school or buildings as early in the day as possible. The early school closure procedures will set forth the criteria for early school closure (e.g., weather-related, utility failure, or a crisis situation), will specify how closure decisions will be communicated to staff, students, families, and the school community (Channels 4,5,9,11, WCCO radio (830 AM), local authorities, or school website), and will discuss the factors to be considered in closing and reopening the school or building.

Early school closure procedures also will include a reminder to parent(s)/guardian(s) to listen to designated local radio and TV stations for school closing announcements.

D. **Media Procedures**

The superintendent has the authority and discretion to notify parent(s)/guardian(s) and the community in the event of a crisis or early school closure. The superintendent will designate a spokesperson who will notify the media in the event of a crisis or early school closure. The spokesperson shall receive training to ensure that the school is in strict compliance with federal and state law relative to the release of private data when conveying information to the media.

E. **Behavioral Health Crisis Intervention Procedures**

Counseling procedures will be used as necessary, such as after an assault, a hostage situation, shooting, or suicide. The school may employ a professional behavioral health team to provide services for the students, staff, and parent(s)/guardian(s).

F. **Chemical Accidents**

Procedures for reporting chemical accidents shall be posted at key locations such as chemistry labs and janitorial closets.

5. COVID-19 Procedures

The Board of Directors encourages staff and students to get vaccinated against COVID-19 and to wear a face covering when appropriate. However, cases of COVID-19 may still occur. SPCPA will take the following measures to identify and limit the spread of COVID-19 at school.

A. **Testing**

SPCPA will test all students and staff members weekly to help identify and isolate cases of COVID-19.

B. **Isolating Potential and Confirmed COVID-19 Cases**

If a student or staff member becomes ill with COVID-19-like symptoms while in attendance, they will be sent home immediately, regardless of COVID-19 vaccination status or prior history of disease. Symptomatic students and staff will be encouraged to wear a mask and will be isolated in a designated space until they leave the school building.

C. **Contact Tracing**

1. To identify close contacts, as defined by the Minnesota Department of Health (MDH), the school will review the student or staff member's activity during the time they were infectious in the school building. The review will cover two (2) days prior to the date symptoms started or two (2) days prior to the date of the positive test if there are no symptoms.
2. Close contacts should stay home from school until they meet the criteria established by the school to return.

D. **Reporting**

The school will report each student or staff member who receives a positive COVID-19 test result to the MDH in accordance with MDH procedures. At a minimum and when available, this information will include name, date of birth, and phone number of the person who tested positive for COVID-19.

Legal References

- ✓ Minn. Stat. § Ch. 12 (Emergency Management)
- ✓ Minn. Stat. § Ch. 12A (Natural Disaster; State Assistance)
- ✓ Minn. Stat. § 121A.035 (Crisis Management Policy)
- ✓ Minn. Stat. § 299F.30 (Fire Drill in School)
- ✓ Minn. Rule § 4605.7070 (Other Reports)
- ✓ Minn. Rules Ch. 7511 (Fire Safety)
- ✓ 42 U.S.C. § 5121 et seq. (Disaster Relief and Emergency Assistance)

Cross References

- ✓ SPCPA Policy 407 (Employee Right to Know – Exposure to Hazardous Substances)
- ✓ SPCPA Policy 506 (Student Discipline)
- ✓ SPCPA Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)
- ✓ SPCPA Policy 808 (Face Masks)
- ✓ SPCPA Policy 903 (Visitors to School Buildings and Sites)

808 Face Covering Policy

1. Purpose

The school encourages employees, students, and other persons present at school locations that are not vaccinated against COVID-19 to wear face coverings to minimize risk of exposure to the virus.

2. General Of Statement of Policy

- A. Face coverings are meant to protect other people from the spread of COVID-19.
- B. People at school locations that are not vaccinated from COVID-19 are recommended to wear face coverings to protect themselves and others.
- C. Unvaccinated people at school locations should use their best judgement when deciding whether to wear a face covering.

3. Definition of Face Covering

- A. A face covering should be worn to cover the nose and mouth completely, should not be overly tight or restrictive, and should feel comfortable to wear. Face coverings may include:
 - 1. Paper or disposable mask;
 - 2. Cloth face mask;
 - 3. Scarf;
 - 4. Neck gaiter;
 - 5. Bandana;
 - 6. Religious face covering; and
 - 7. Medical-grade masks and respirators
- B. A face shield is a clear plastic barrier that covers the face and allows visibility of facial expressions and lip movements for speech perception. A face shield should extend below the chin anteriorly, to the ears laterally, and there should be no exposed gap between the forehead and the shield's headpiece.
- C. Face coverings that allow exhaled droplets to be released into the air are not sufficient and include:
 - 1. Masks that incorporate a valve or vent designed to facilitate easier exhaling
 - 2. Mesh masks

3. Masks with openings, holes, visible gaps in the design or material

4. Exceptions and Alternatives

- A. Face coverings should not be placed on anyone who is:
 1. under age 2;
 2. has trouble breathing;
 3. is unconscious, sleeping, incapacitated, or otherwise unable to remove the face covering without assistance; or
 4. has a medical or other health conditions, disabilities, or mental health, developmental, or behavioral needs that make it difficult to tolerate wearing a face covering.
- B. A face shield may be used as an alternative to a face covering in the following situations:
 1. A student in grades kindergarten through eighth grade may wear a face shield when wearing a face covering is problematic.
 2. A teacher of any grade level may wear a face shield when wearing a face covering may impede the educational process.
 3. Staff, students, or other persons who cannot tolerate a face covering due to a developmental, medical, or behavioral health condition may wear a face shield instead of a face covering.
 4. Staff providing direct support student services may wear a face shield instead of a face covering when a face covering would impede the service being provided.
- C. Staff, students, and other people present in school locations may remove their face covering or face shield in the following situations:
 1. When engaging in classes or activities conducted outdoors;
 2. When engaging in indoor physical activity where the level of exertion makes wearing a face covering difficult;
 3. During activities where the face covering will get wet;
 4. While receiving a service, including nursing, medical, or personal care services, that cannot be performed or is difficult to perform when the individual receiving the service is wearing a face covering;
 5. When the wearer needs to remove their face covering to eat or drink;
 6. During indoor practices or performances involving singing, acting, public speaking, or playing musical instruments where a face covering cannot be used while playing the instrument;
 7. When required by school staff for the purposes of identification;

8. Staff working alone in their offices, classrooms, or job locations that have no person-to-person interaction;
9. Staff working in communal spaces that have barriers such as Plexiglas or cubicle walls between employees that are above face level; or
10. When communicating with a person who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult.

5. Implementation

- A. This policy will be posted on the school website and communicated to students, staff, families, and potential visitors to the school locations.
- B. The school may encourage the use of face coverings and/or face shields for students and staff throughout the school day, when at school locations.
- C. All face coverings shall meet the requirements of applicable dress code and other school policies. Where this policy conflicts with others, this policy shall control.

Cross References

- ✓ SPCPA Policy 102 (Complaints)
- ✓ SPCPA Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
- ✓ SPCPA Policy 504 (Student Dress and Appearance)
- ✓ SPCPA Policy 506 (Student Discipline)

810 Community Use of SPCPA Facilities and Equipment

1. Purpose

The purpose of this policy is to provide guidelines for community use of SPCPA facilities and equipment.

2. General Statement of Policy

Use of SPCPA facilities and equipment for community purposes if, in its judgment, the purpose aligns with that of SPCPA's vision, mission, and values, and that use will not interfere with use for school purposes. This includes use of any school location, whether SPCPA leased, owned, or operated facilities.

To maintain communication within SPCPA and to avoid schedule conflicts, all activities and events must be scheduled outside of student contact time for all spaces through a required application process.

3. Community Use of School Facilities

- A. Activities and events sponsored by SPCPA are incorporated into the annual calendar published at the start of each school year. The dates and times of these events are subject to change; therefore all other requests will be processed around these events.
- B. Community groups or individuals may reserve school facilities and equipment on a scheduled basis at times that do not interfere with activities and events sponsored by SPCPA.
- C. Requests for use of school facilities and equipment by community groups or individuals shall be made through an application process.
- D. The Superintendent will present recommended procedures for processing applications requesting to use SPCPA space to the Board of Directors. The procedures shall include the rental fee schedule.
- E. Facility and equipment use fees shall be based on the organizational classification, categorized in this policy. All users will be required to pay a deposit for the proper use and potential of repair of damage to SPCPA facilities and equipment. The cost of custodial and supervisory service, when deemed necessary, shall be in addition

to the basic fee. Upon approval by the Board of Directors, such additional procedures shall be an addendum to this policy.

- F. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative options. However, shall circumstances require the cancellation of the community use of facilities and equipment a full refund will be issued for the dates cancelled.

4. Scheduling

Activities and events sponsored by SPCPA have the highest scheduling priority. Activities and events sponsored by SPCPA as defined below will be exempt from rental fees. (Note: Costs for custodial, supplies, cleaning, and support personnel may apply.) This policy and any associated procedures and permissions do not apply to activities and events scheduled by SPCPA administration during the school day.

- A. Beyond the student day, first scheduling priority will be given to activities and events sponsored by SPCPA, including, but not limited to the following:
 - 1. Student rehearsals and concerts programmed by SPCPA instrumental music and vocal arts faculty.
 - 2. Student rehearsals and productions programmed by SPCPA dance, theatre, and musical theatre faculty.
- B. Second scheduling priority will be given to activities and events under the direction of SPCPA administration.
- C. Third scheduling priority will be given to student groups with a designated SPCPA faculty or staff advisor sponsored by SPCPA. The faculty or staff advisor may be present and supervise when an SPCPA space is used by a student group for an approved purpose.
- D. Fourth scheduling priority will be given to current SPCPA affiliates.
- E. Fifth scheduling priority will be given to former affiliates and alumni.
- F. Sixth scheduling priority will be given to non-affiliated entities.

5. Classifications

Organizations, community users, and businesses using school facilities are grouped into one of three classifications with non-SPCPA affiliated groups charged appropriate rental fees. Rental fees for facility usage vary according to the nature and purpose of each group, agency, or organization. All other requirements, such as application procedure, standards of conduct during use, proof of insurance, etc., are constant for all user groups regardless of organizational differences. Users are classified into one of the following areas:

A. Current Affiliates

1. Artistic groups led by or majority composed of current SPCPA faculty members that intend use for non-revenue producing activities, such as practices or rehearsals.
2. Student artistic or academic groups that are majority composed of current SPCPA students that intend use for non-revenue producing activities, such as practices or rehearsals.
 - a. This specific group will require an approved faculty sponsor to facilitate use of SPCPA facilities.
 - b. Current SPCPA faculty and/or students using space for a non-revenue meeting space.
3. Former Affiliates or Alumni
 - a. Artistic groups led by or composed mostly of former SPCPA affiliates or alumni that intend use for non-revenue producing activities, such as practices or rehearsals.

B. Non-Affiliated Arts Organizations

1. Refers to non-profit group, schools, colleges, universities, business group, or neighborhood groups for a non-revenue producing activity such as practices or rehearsals.
 - a. Upon request, these groups must provide SPCPA appropriate documentation regarding non-profit status and a copy of all bylaws and financial documents which govern their operation, so that these documents may be available for public review. The SPCPA facility will be used for a non-revenue producing activity.

6. Rules for Use of Facilities and Equipment

- A. Prior to initial use, a specified Building Use Permit will be provided to groups as recognition of approved status.
- B. Any group using SPCPA facilities is required to restore to original condition any property destroyed or suffering from other than normal wear and tear.
- C. Fees for use of school facilities shall be governed by the additional cost incurred by SPCPA as a result of the use of school facilities.
- D. Rent will be charged for the use of buildings and other facilities to individuals, groups, and organizations on the basis of an established rental schedule. The rent is intended to be a charge for the use of the facility including the furniture normally contained therein and the utilities required to operate the facility. All other costs incurred by SPCPA will be an additional charge to the user.

- E. Unauthorized use of a facility, using a facility in such a way as to be detrimental to the best interests of SPCPA, failure to promptly pay rent and other charges when requested or failure to abide by requests of school personnel, will all be considered as sufficient reasons for revocation of a Building Use Permit or denial of future permits to the offending party.
- F. A staff member may be required to be present during all facility rentals. Alternative supervision plans may be approved by SPCPA.

7. Liability and Insurance

The Board of Directors expects members of the community who use facilities and equipment to do so with respect for SPCPA property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment.

- A. All groups using school facilities are required to assume full responsibility for personal injury to any participants or spectators related to their activity.
- B. The organization making use of SPCPA facilities shall agree to indemnify SPCPA for any and all damage to the school or to other property by any person or persons attending the activity.
- C. Groups are required to submit a certificate of insurance or endorsement for a general liability policy with \$1,000,000 per occurrence and \$1,000,000 annual aggregate, naming SPCPA as the additional insured before a Building Use Permit is issued.
 - 1. SPCPA carries no liability insurance protecting organizations engaged in non-school activities.

8. Nondiscrimination

Pursuant to state and federal laws, activities sponsored by individuals, agencies, organizations, or groups and conducted in SPCPA facilities, whether under contract or by any other arrangement, shall not discriminate against any person on the basis of sex, race, ethnicity, creed, religion, color, national origin, age, marital status, gender identity or expression, sexual orientation, economic status, or disability.

Cross References

- ✓ SPCPA Policy 801 (Equal Access to School Facilities)

903 Visitors to School Buildings and Sites

1. Purpose

The purpose of this policy is to inform the school community and the general public of the position of the Board of Directors of the Saint Paul Conservatory for Performing Artists on visitors to school buildings and other school locations.

2. General Statement of Policy

- A. The board encourages interest on the part of parents and community members in school programs and student activities. The board welcomes visits to the school by parents and community members provided the visits are consistent with the health, education, and safety of students and employees and are conducted within the procedures and requirements established by the school.
- B. The board reaffirms its position on the importance of maintaining a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

3. Procedures

- A. School administration shall develop visitor procedures and requirements and include them in the handbook. The procedures should reflect input from employees, students, and advisory groups, and shall be communicated to the school community and the general public on the school website.
- B. The superintendent shall provide coordination that may be needed throughout the process and shall provide for periodic review of the procedures.
- C. In accordance with school policies, students enrolled in post-secondary enrollment options (PSEO) courses are allowed to 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.

4. Visitor Limitations

- A. Visitor(s) may be denied permission to visit school locations or such permission may be revoked if the visitor(s) does not comply with the school procedures and

regulations or if the visit is not in the best interest of students, employees, or the school, as determined by an administrator.

- B. Visitor(s) entering school locations without complying with the procedures and requirements may be guilty of criminal trespass and subject to criminal penalty. Such persons may be detained by an administrator in a reasonable manner for a reasonable period of time pending the arrival of a peace officer.

Legal References

- ✓ Minn. Stat. §124D.09 (Postsecondary Enrollment Options Act)
- ✓ Minn. Stat. §124E.03 (Applicable Law for Charter Schools)
- ✓ Minn. Stat. §609.605.4 (Trespasses on School Property)