



# Student & Parent Handbook

*Saint Paul Conservatory*  
FOR PERFORMING ARTISTS

Version 25-26.01



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# *Saint Paul Conservatory* FOR PERFORMING ARTISTS

## VISION-MISSION-VALUES

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### VISION

PREMIER ACADEMIC AND ARTISTIC EDUCATION FOR ALL HIGH SCHOOL STUDENTS

### MISSION

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

### VALUES



**We are a  
community of  
artists and  
scholars.**



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



**We take risks  
and use  
failure to  
grow.**



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



**We hold each  
other up.**

## **Student Rights**

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

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

### **Nondiscrimination Statement**

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

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

### **SPCPA's Title IX Coordinator and Human Rights Officer**

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Tim Sullivan  
Principal & Academic Director  
16 W 5<sup>th</sup> Street  
St. Paul, MN 55102  
651-290-2225 (Phone)  
[sullivant@spcpa.org](mailto:sullivant@spcpa.org)

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

# **Saint Paul Conservatory for Performing Artists Information**

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Saint Paul Conservatory for Performing Artists (SPCPA) (#4112)

16 W 5<sup>th</sup> Street

St. Paul, MN 55102

651-290-2225 (Phone)\*

651-290-9000 (Fax)

info@spcpa.org\*\*

www.spcpa.org

- \* Staff can be reached using the directory options at this number.  
*Please note, there are no directory options for arts departments or individual arts teachers.  
Please contact Brian Goranson if you need to contact an arts department or individual arts teacher(s).*
- \*\* This email is monitored daily; emails are forwarded to the appropriate person/people

## **SPCPA Main Entrance Hours: 7:30 AM – 4:00 PM**

### **Authorizer: University of St. Thomas**

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Terry Moffat

Charter School Authorizing Program Manager

1000 LaSalle Avenue

Minneapolis, MN 55403

651-962-4372

[tmoffat@stthomas.edu](mailto:tmoffat@stthomas.edu)

<https://www.stthomas.edu/education/ourimpact/communitypartnerships/charterschools/>

### **Board of Directors**

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Michael Robins, President

board@spcpa.org

[www.spcpa.org/about/spcpa-board/](http://www.spcpa.org/about/spcpa-board/)

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

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

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

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



## Important Dates 2025-2026

August 11-15, 2025	Teacher Workshop
August 14, 2025	Back-to-School Night 3-8 PM
August 18, 2025	First Day of School - New Students Only
August 19, 2025	First Day of School
August 29, 2025	Picture Day
September 1, 2025	No School - Labor Day
September 2, 2025	Schedule & Track Change Request Deadline 4:00 PM
October 7-8, 2025	PSAT/NMSQT 9,10, and 11
October 13-17, 2025	Fall Break No School – Education MN
October 20, 2025	Picture Retake Day 1-3 PM
November 6, 2025	Fall Parent-Teacher Conferences 4-8 PM
November 10, 2025	Fall Parent-Teacher Conferences 4-8 PM
November 26-28, 2025	No School - Thanksgiving Break
December 19, 2025	End of Semester 1 - Early Dismissal (12:05 PM)
December 22-January 2, 2026	No School - Winter Break
January 5, 2026	First Day of J-Term
January 19, 2026	No School – Martin Luther King Day
January 22, 2026	End of J-Term
January 23-25, 2026	J-Term Performances
January 26, 2026	No School - J-Term Recovery Day
January 27, 2026	Start of Semester 2
February 10, 2026	Schedule & Track Change Request Deadline 4:00 PM
February 16, 2026	No School - Presidents' Day
April 28, 2026	ACT Grade 11
March 30-April 3, 2026	No School - Spring Break
April 16, 2026	Spring Parent-Teacher Conferences 4-8 PM
May 22, 2026	Last Day of School – Seniors Only
May 25, 2026	No School - Memorial Day
May 26, 2026	Graduation 7 PM
May 28, 2026	Last Day of School, Finale, Early Dismissal (12:05 PM)
May 29, 2026	Teacher Workshop
June 1-2, 2026	Teacher Workshop

*The school calendar is adopted annually by the school board.*

***This calendar is subject to change due to unforeseen events.***

*A copy of the school calendar can be found on the school's website [www.spcpa.org](http://www.spcpa.org).*

*SPCPA events are also listed on the website.*

## Contact Information

### Callie Jacobs

*Superintendent*

[jacobsc@spcpa.org](mailto:jacobsc@spcpa.org)

Contact for Schoolwide Questions & Feedback

### Brian Goranson

*Principal & Artistic Director*

[goransonb@spcpa.org](mailto:goransonb@spcpa.org)

Contact for –

- Arts Program & J-Term
- Operations & Events
- Student Advising
- Schedules, Credits, & Graduation
- Health & Physical Education Credits
- Schedules, PSEO, & Credit Recovery
- College Counseling, Visits, & Applications
- Arts Absences
- Prospective Students

### Tim Sullivan

*Principal & Academic Director*

[sullivan@spcpa.org](mailto:sullivan@spcpa.org)

Contact for –

- Academic Program
- Attendance
- Predicted Extended Absences
- Early Release Contracts
- Behavior
- Safety & Security
- 504 Plans & Implementation
- Standardized Test Administration

### Monica Lonergan

*Director of Special Education*

[lonerganm@spcpa.org](mailto:lonerganm@spcpa.org)

Contact for Students with Disabilities

## Daily Schedule

1 <sup>st</sup>	8:00 – 9:20
2 <sup>nd</sup>	9:25 – 10:45
3 <sup>rd</sup>	10:50 – 12:10
Lunch	12:10 – 12:40
4 <sup>th</sup>	12:45 – 2:05
5 <sup>th</sup>	2:10 – 3:30

## Early Dismissal Schedule (12:05 PM)

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

## Attendance

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

## ATTENDANCE REPORTING

Parents/guardians may report attendance by:

1. calling 651-222-3200 OR
2. requesting an absence through their Infinite Campus account.

**A PARENT/GUARDIAN must report all absences regardless of a student's age.**

**SPCPA's ATTENDANCE HOTLINE**

**651-222-3200**

**BY 9:00 AM THE DAY ABSENT PLEASE**

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



## Classroom Attendance

Attendance is taken in the **first ten (10) minutes** of each period and double checked in the **last ten (10) minutes** of each period. Students who leave class without a pass before the end of class will be marked absent. Please use your Infinite Campus account to check your student's attendance.

## Reporting Absences

Please include the following information when reporting an absence:

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

## Arriving Late to School

Students arriving late to school must report to the main office to obtain a pass before they will be admitted to class.

## Arriving Late to Class

Students who arrive tardy to class must report to the main office to obtain a tardy pass before they will be admitted to class.

## Leaving School with Permission

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

## Early Release

Under some circumstances, certain students may qualify for routine early release/dismissal from 5<sup>th</sup> period for no more than thirty (30) minutes. Students must obtain prior approval from school administration and complete all necessary documentation.

Please contact SPCPA's Academic Director to begin the paperwork required for an approved early release. Students with an Early Release Contract must leave the campus.

## Predicted Extended Absences (PEA)

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

*Contact the Academic Director to begin the paperwork required for predicted extended absences.*

## Predicted Extended Arts Absence (PEAA)

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

*Contact the Artistic Director to begin the paperwork required for predicted extended arts absences.*



## Bus Cards

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

Students who choose not to purchase the 24/7 bus pass may request a Youth Ride bus pass free of charge. Each Youth Ride bus pass is valid for two (2) weeks or ten (10) rides, for the 2025-2026 school year. This pass covers costs associated with transportation via Metro Transit, not including Express bus routes, to and from the school within the city boundary of St. Paul. This choice works best for students who reside in St. Paul or have additional transportation beyond the city's borders. Students will need to turn in their expired bus pass, used according to the guidelines specified above, to the main office to receive a new Youth Ride bus pass. Students using the bus pass more than allowed, based on attendance, will not receive a new bus pass until the correct expiration has been achieved. Lost or damaged bus passes will not be replaced until after the expiration date.

While SPCPA makes bus passes available to students, Metro Transit is a public service. **Please contact Metro Transit at 612-349-7200 with any concerns regarding safety and security.**

## SPCPA Technology

SPCPA recognizes the educational value of instructional technology and provides monitored access to technology and network resources. Inappropriate use of school technology resources is not permitted and may result in consequences as described in the internet acceptable use and safety policy and the student discipline policy. Outside of scheduled classroom time, technology may be available to students during Guided Study Hall.

## College Admissions Requirements

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

## Credit Recovery

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

SPCPA students have the following options for credit recovery:

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

Things to remember about summer credit recovery options:

- There is a limit on the number of credits which can be earned during summer school.
- SPCPA is on semesters. Some school districts are on quarters. Two (2) quarters equal one semester.
- Some school districts are on trimesters. A student will need to take two (2) trimesters to earn enough credit for one semester. Three (3) trimesters equal one year.
- At SPCPA, a quarter is 0.250 credits, a trimester is 0.333 credits, a semester is .5000 credits, and a year is 1.000 credits.
- Students completing academic courses through a school other than SPCPA must have approval by school administration prior to enrollment.

## Deliveries

If it is necessary for a parent or guardian to drop off food or other materials for a student, please bring it to the main office (16 W 5<sup>th</sup> Street), labeled with your student's name.

**We will turn away deliveries not made by a parent or guardian and addressed to a student, such as food, flowers, packages, etc.**

## Educational Benefits Applications

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

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



## **Equal Access to School Facilities**

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

## **Fees and Fines**

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

- Cost for materials for a class project that exceeds minimum requirements and is kept by the student.
- Admission fees or charges for extracurricular activities, where attendance is optional and where the admission fees or charges, a student must pay to attend or participate in an extracurricular activity are the same for all students, regardless of whether the student is enrolled in a public or a home school.
- Items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements.
- Security deposits for the return of materials, supplies, or equipment
- Field trips considered supplementary to the school's educational program.
- Admission fees or costs to attend or participate in optional extracurricular activities and programs.
- Transportation of students to and from optional activities, field trips, additional programming or post-secondary instruction conducted at locations other than school.
- Registration for the ACT and AP exams.
- Students will be charged for textbooks, workbooks, calculators, and library books that are lost or destroyed. The student will also be charged for damages to equipment or materials.

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

## **Field Trips**

Field trips may be offered to supplement student learning. Field trips are optional and students who participate may be charged a fee. If a field trip is designated as a curricular requirement, an accommodation will be made for students who qualify for educational benefits.

## **Food and Drink**

With teacher permission, water, coffee, and juice, in a container with a closed lid or sealed top (e.g. thermos, screw top bottle, and spill resistant coffee cup) are permitted. No cans, fast food, or coffee shop disposable drink containers are allowed. Students must place beverages in a designated area within the classroom. If students do not follow food and beverage rules, they may not be allowed to bring food and beverages into the classroom. School staff are not responsible for food and beverage left behind in classrooms. Administration reserves the right to restrict beverages to water only in classrooms. Students are not allowed to bring any drinks into any studio, theater, or computer lab. Due to SPCPA's classrooms being in a building shared with others and health considerations, food may be eaten only in designated areas within the school and at local food establishments.

## **Fundraising**

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

## **Gifts to Employees**

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

## **Graduation Ceremony**

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



## **Graduation Requirements**

Students must meet all graduation requirements as established by the state (Minnesota Statute §120B.024) and SPCPA's Board of Directors, to graduate from the Saint Paul Conservatory for Performing Artists.

## **Lost and Found**

Articles found in and around the school, including textbooks and other school resources distributed to students, are turned into the main office. Identification may be required for the return of property. Unclaimed items in the lost and found will be donated to charity on a regular basis.

## **Open Lunch**

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

Students leaving campus for lunch are expected to conduct themselves according to all school policies and guidelines while off campus during school hours. Students who want to eat on campus may eat in the designated areas.

## **Payment Methods**

For those items that come up during the school year that require payment (bus cards, field trips, testing fees, Finale, etc.) SPCPA accepts cash (exact amount) and credit card. (Visa, Mastercard, and Discover). The specifics on acceptable payments will be stated on the form for each item or event. A \$2.50 processing fee is added to all credit card payments.

## **Personal Property**

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

## **Picture Day**

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

## **Promotion and Retention**

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

## **Schedule or Track Changes**

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

See Important Dates page for this year's schedule and track change deadlines. A Track Change Request form can be obtained from the main office.

## **School Closing Procedures**

School may be canceled when the Superintendent believes the safety of students and employees is threatened by severe weather or other circumstances. A decision will be made about closing school or school buildings as early in the day as possible. School may be delayed or closed due to inclement weather. Notification will begin at approximately 5:30 AM on Channels 4, 5, 9, 11, WCCO radio (830 AM), and on the school's website ([www.spcpa.org](http://www.spcpa.org)) and phone system.

## **School Equipment and Materials**

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

## **Student Identification**

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

## **Video Surveillance**

SPCPA buildings and grounds are equipped with video cameras and vape detectors. Video surveillance may occur within and around SPCPA property.

## **Recording—Audio/Video—of Class**

**Students are not allowed to record or photograph any portion of a class unless it is for instructional purposes and under the supervision of an instructor.**

Instructors may not photograph or video a class unless it is for instructional purposes. Photos or videos may not be posted to social media. No other audio or video recording by students is permitted.

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

## **Visitors to SPCPA**

To ensure the safety of those in the school and to avoid disruption to the learning environment, all visitors must report directly to the main office (16 W 5<sup>th</sup> Street) to sign in upon entering the building, except for events open to the public.

All visitors will be required to sign in at the main office and wear a visitor's badge while at SPCPA during the school day. Visitors must have administrative approval before visiting a classroom during instructional time. Visitors may be denied permission to visit SPCPA, or such permission may be revoked, if the visitor does not comply with SPCPA procedures or if the visit is not in the best interests of SPCPA students, employees, or the school, as determined by an administrator. Students must have permission from an administrator before bringing visitors to school.

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

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



# Communication with Families

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## Communication Protocol(s)

The school uses the following protocol(s) to promote direct communication so that questions, problems, and concerns can be addressed efficiently. We ask students and parents/guardians to follow these protocols.

### ACADEMIC & ARTS COURSES

#### STEP 1 – TEACHER

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

#### STEP 2 – DIRECTOR

If after speaking with the teacher your concerns are not resolved, please contact either Brian Goranson regarding arts courses or Tim Sullivan regarding academic courses.

**Brian Goranson**  
*Principal & Artistic Director*  
Office/Extension – 106  
goransonb@spcpa.org

**Tim Sullivan**  
*Principal & Academic Director*  
Office/Extension – 276  
sullivant@spcpa.org

#### STEP 3 – SUPERINTENDENT

If your question or concern remains unresolved after steps 1-2, please contact the Superintendent.

**Callie Jacobs**  
*Superintendent*  
Office/Extension – 232  
jacobs@spcpa.org

### ATTENDANCE, BEHAVIOR, & 504 PLANS

#### STEP 1 – PRINCIPAL & ACADEMIC DIRECTOR

All inquiries and concerns regarding student attendance, behavior, or 504 Plans should be directed to Tim Sullivan. Concerns regarding attendance or behavior in a specific course should first be directed to the classroom teacher.

#### STEP 2 – SUPERINTENDENT

If after speaking with the Principal & Academic Director, your concerns are not resolved, please contact the Superintendent.

**Callie Jacobs**  
*Superintendent*  
Office/Extension – 232  
jacobs@spcpa.org

## Other Contacts

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### SPECIAL EDUCATION

All matters regarding students with disabilities should be directed to SPCPA's Director of Special Education.

**Monica Lonergan**  
*Director of Special Education*  
Office/Extension – 236  
lonerganm@spcpa.org

### STUDENT ADVISING & COLLEGE COUNSELING

For student support services, including student advising and college counseling, please contact Brian Goranson.

**Brian Goranson**  
*Principal & Artistic Director*  
Office/Extension – 106  
goransonb@spcpa.org

### COMPLAINTS

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

## Common Notifications

SPCPA requests all students and parents/guardians set up their Infinite Campus accounts to view their students' attendance, grades, class schedules, unofficial transcripts, pay for field trips, Finale, etc. If you are having trouble with your Infinite Campus account, please contact [info@spcpa.org](mailto:info@spcpa.org) and someone will assist you.

## Data Privacy

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

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

## Eighteen-Year-Old Students

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

## Family Messages to Students

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

## Infinite Campus

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

## Parent-Teacher Conferences

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

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

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

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

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

SPCPA has made the following promises to families:

1. Gradebooks will be updated, at minimum, every two weeks or five class periods.
2. All resources required for students to make academic and artistic progress will be available via Google Classroom sites maintained by academic teachers and arts departments.
3. Families will be notified when students fall below a grade of C-.

If at any time SPCPA is not meeting these agreements, please let us know by contacting –

### ARTS

**Brian Goranson**  
*Principal & Artistic Director*  
Office/Extension – 106  
[goransonb@spcpa.org](mailto:goransonb@spcpa.org)

### ACADEMICS

**Tim Sullivan**  
*Principal & Academic Director*  
Office/Extension – 276  
[sullivan@spcpa.org](mailto:sullivan@spcpa.org)



## **Student Publications (School Sponsored)**

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

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

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

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

## **Student Surveys**

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

## **Transcripts**

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

# Student Services

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## Student Assistance Team

The Student Assistance Team is a committee that oversees the intervention process for students who are unsuccessful either academically or behaviorally. The goal is to help struggling students by providing strategies and accommodations recommended and implemented by their teachers. This process is typically completed prior to referral for a 504 Plan or Special Education evaluation. Members of the team include administrators and teachers.

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## Section 504 Plan

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

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## Special Education Services

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

Students and parents/guardians with questions about special education eligibility or special education evaluations should contact SPCPA's Director of Special Education.



# Academics

## Academic Integrity

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

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

It is the responsibility of all staff members at SPCPA to deal immediately with students who they believe are engaging in plagiarism or cheating on assessments or other work. Consequences for these actions are determined by or between the student's teacher and the Principal & Academic Director.

**The following actions are considered academic dishonesty:**

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

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

- Receiving No Credit or reduced credit on an assessment
- Doing an alternate assignment
- Doing additional assignments
- Detention
- Conference with student, parent/guardian, teacher, and an administrator.

*See the Behavior and Response Matrix and Policy 506 (Student Discipline) ([spcpa.org](http://spcpa.org)) for additional information.*

## Academic Recognition

### National Honor Society

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

**Qualifications:**

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

## Curriculum

In most courses, there are two choices: on-level and either advanced or Advanced Placement ® (AP). SPCPA has aligned academic coursework and physical education courses to the MN Academic Standards in the subject area. All Advanced Placement ® (AP) courses are aligned to the College Board requirements. World language and health courses are aligned to national standards.

Unit curriculum documents assure the alignment of courses to standards is used by all teachers of the course.

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

## Extra-Curricular Activities

SPCPA has opportunities for students to use academic skills in practical settings while still in high school by participating in extra-curricular activities such as yearbook, National Honor Society, or various clubs. Following administrative approval, advisors may elect to identify students deserving recognition on their transcript on an annual basis for participation in these activities.

## Grade Scale

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

## Grading Categories

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

### Process of Learning

Approximately 20% of Total Points in Course

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

### Rehearsal

Approximately 30% of Total Points in Course

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

### Production

Approximately 50% of the Total Points in the Course

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

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

## Late Work

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

## Grade Reporting

Students' grades will be reported at the midterm and at the end of each semester. Report cards will be available online through Infinite Campus and mailed to parents and guardians after each semester.

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

## Guided Study Hall

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

## Post-Secondary Preparation

SPCPA provides post-secondary counseling to students as they explore and pursue options following graduation. SPCPA's Principal & Artistic Director supports students throughout the college exploration, application, and enrollment process.



## Senior Study

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

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

- Passing all courses required for graduation with a grade of at least a D- or 60%.
- On track for graduation including not being in jeopardy due to attendance.

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

## Standardized Testing

SPCPA administers state standardized assessments to students in grades 10 and 11 and enrolled in Biology annually on state-designated dates.

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

SPCPA also monitors college readiness. Families can use the results of the assessments listed above along with scores from the PSAT series administered in grades 9-11 and the ACT in grade 11 to do the same.

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

# Health Information

Student health information is collected, reviewed by the school nurse, and kept on file. SPCPA contracts for nursing services, and when a nurse is on site, health information is regularly reviewed. Student health information is considered private data, is maintained in accordance with applicable law, and only accessible by appropriate school personnel.

## Health Services

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

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

Please contact the school via the following:

**ATTENDANCE HOTLINE  
651-222-3200 or through the  
Infinite Campus portal**

## First Aid

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

## Picking Up an Ill Student

Students need to be picked up from school if they are running a high fever, vomit, or show other signs of serious illness.

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

## Communicable Diseases

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

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

## Immunizations

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



## Medications at School

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

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

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

### Exceptions that may be allowed include:

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

# Safety and Security

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

All visitors must sign in at the attendance desk and wear a visitor badge while visiting SPCPA buildings.

Staff may question people in school spaces whom they don't recognize and/or who are not wearing a nametag or badge.

SPCPA provides all employees photo identification badges.

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

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

SPCPA contracts with adjacent businesses to facilitate greater safety and security in public spaces within proximity to many of the school's spaces, primarily the skyways.

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

## Accidents

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

## Emergency Procedures

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



## **Emergency Contact Information**

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

## **Protective Drills**

### **(Fire, Evacuation, Tornado, Lockdown)**

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

**If directed, evacuating the building is mandatory!**

## **Skateboards, Rollerblades, Bikes, etc.**

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

## **Searches**

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

## **Personal Possessions Left Inside School Property** (lockers, storage areas, etc.)

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

## **Personal Possessions and a Student's Person**

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

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

# Behavior Expectations

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

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

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

## Data Privacy of Behavior Records

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

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

## Disciplinary Action

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*See Policy 506 ([spcpa.org](http://spcpa.org)) for additional information regarding SPCPA's student discipline policy.*



## **Lunch Detention**

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The Principal & Academic Director will schedule students for lunch detention. Students must follow the expectations listed below when attending lunch detention. The Principal & Academic Director will respond to students not following expectations.

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

## **Student Removal from Class or Dismissal from School**

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

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

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

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

Administration will schedule an additional meeting with parent(s) or guardian(s) for all students removed from class more than ten (10) days in one school year and prior to removing the student from school to discuss and determine the student's need for assessment or other services.

## **Suspension**

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

## **Reinstatement Meeting after Suspension**

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

## Ten-Absence Rule

Students that incur **5 DAYS (3 OR MORE PERIODS)** of **UNEXCUSED ABSENCES** in a school year may be placed on an attendance contract and initiate the truancy process dependent on the student's county of residence.

Students that incur **7 LIMITED EXCUSED OR UNEXCUSED ABSENCES** in one or more courses in a semester may be placed on an attendance contract.

Students that incur **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 may be dropped from the class (with an "F" on their transcript).

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

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

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

**Absences COUNTED (LIMITED EXCUSED) in the Ten-Absence Rule include, but are not limited to:**

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

## UNEXCUSED ABSENCES

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

### Misuse of Restroom or Pass

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

## County Intervention for Unexcused Absences

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

## Leaving School without Permission

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

## Open Lunch

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



## Bullying Prohibition

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

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

F. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the Saint Paul Conservatory for Performing Artists' policies and procedures, including the Saint Paul Conservatory for Performing Artists' Discipline Policy. The Saint Paul Conservatory for Performing Artists may consider the following factors:

1. The developmental ages and maturity levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature of the behavior;
3. Past incidences or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

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

*See Policy 514 ([spcpa.org](https://www.spcpa.org)) for additional information regarding SPCPA's bullying prohibition policy.*

## Bus/Public Transportation

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

Inappropriate actions or language are grounds for being banned from Metro Transit services for 30 days or more and your Student Pass could be deactivated.

If your Student Pass is lost or suspended, you will be responsible for your own transportation. New passes require a fee.



## Dress and Appearance

A high school education is about more than learning content and skills. At SPCPA, we pride ourselves on nurturing civic-minded, globally competent, compassionate, and creative problem solvers who can navigate real challenges in the real world. Part of navigating the real world requires understanding the importance of context. Choosing the right attire for different contexts is an important life skill and professional expectation. We ask that students choose clothes that reflect themselves as scholars and artists. This dress code encourages students to dress appropriately for each context. This will provide an environment that allows students and teachers to feel comfortable and focus on learning.

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

## Drug-Free School and Workplace

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

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

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

## Electronic Devices

The classroom teacher determines the appropriate use of electronic devices by students. Students may not use a cell phone or other electronic communication device to engage in conduct prohibited by SPCPA policies including, but not limited to cheating, bullying, harassment, gang activity, etc. during the school day or recording without specific permission from the classroom instructor. If SPCPA administration has a reasonable suspicion that a student has violated a school rule or law by use of a cell phone or other electronic device, the school may search the device. Students who use an electronic device during the school day and/or in violation of school or classroom policies may be subject to disciplinary action pursuant to SPCPA's student discipline policy. In addition, a student's cell phone or electronic device may be confiscated by the school and, if applicable, provided to law enforcement. Cell phones or other electronic devices that are confiscated and retained by the school will be returned in accordance with school procedures.

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

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

## Elevator Use

All students must take stairs. Students with appropriate medical documentation may obtain an elevator pass from the main office. Only students with authorized elevator passes may use the school's elevator in Lowry. We ask that students refrain from using the residential elevators in the main lobby of the Lowry (350 St. Peter Street).

## Finale Attendance

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

- The student did not attend school on the day of *Finale*,
- violated school conduct expectations on the day of *Finale*, and/or
- received two or more suspensions during the school year.

## Hall Decorum

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

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



Students must maintain a quiet and professional noise level while in hallways, skyways, and common areas.

Public displays of romantic affection are not allowed in school. Disciplinary action may be taken for inappropriate displays of affection.

ALL students must take designated SPCPA stairways. Elevators may be used by students only with appropriate medical documentation and administrator approval. The form for requesting an elevator pass can be obtained from the main office. Elevator passes must always be visible when students are waiting for or using the elevator. Passes are valid for a single student only.

## Harassment and Violence Prohibition

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

A violation of this policy occurs when any student, teacher, administrator, or other school personnel harasses a student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, ethnicity, creed, religion, national origin, sex, gender identity or expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy.

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

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

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

## Hazing Prohibition

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school and are always prohibited. No student, teacher, administrator, volunteer, contractor, or other employee of the school shall plan, direct, encourage, aid or engage in hazing. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy. This policy applies to behavior that occurs on or off school property and during and after school hours.

See *Minnesota Statute 121A.69*.

## Internet Acceptable Use

### Student Internet & Digital User Agreement

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

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

## **Suspected Maltreatment of Minors**

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

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

## **Tobacco-Free Schools**

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

## **Vandalism**

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

## **Weapon Prohibition**

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



## Appendix A: Behavior and Response Matrix

This matrix provides guidelines for staff when responding, if appropriate, to student behaviors and administrators when enforcing student discipline policies and procedures.

Pursuant to Policy 506 (Student Discipline) (sccpa.org), SPCPA reserves the right to impose discipline based on individual circumstances.

See Appendix C of the Student & Parent Handbook for Policy 506 (sccpa.org) for additional information regarding SPCPA's student discipline policy.

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

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

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

	<b>BEHAVIORS</b>	<b>Staff Response (1<sup>st</sup> Event)</b>	<b>Staff Response (2<sup>nd</sup> &amp; 3<sup>rd</sup> Events)</b>	<b>Administrative Response (1<sup>st</sup> Behavior Referral)</b>	<b>Administrative Response (2<sup>nd</sup> Behavior Referral)</b>	<b>Administrative Response (3<sup>rd</sup> Behavior Referral)</b>
5	<b>Misuse of Technology (Including Cell Phones)</b> Students may not use cell phones or personal electronic mobile devices at times and in locations where use is prohibited. Cell phones are not to be used in ways that disrupt the educational process, which includes misuse in class, or in any way that sacrifices, or potentially sacrifices learning or academic integrity.	Student Conference	Student Conference, Parent Notification (2 <sup>nd</sup> ) Behavior Referral (3 <sup>rd</sup> – 5 <sup>th</sup> )	Student Conference, Parent Notification, Detention(s)	1 Day Suspension	3 Day Suspension
6	<b>Insubordination</b> The deliberate refusal to obey the reasonable request or directive of a school staff member or employee.	Student Conference, Parent Notification	Student Conference, Parent Notification Behavior Referral (2 <sup>nd</sup> – 5 <sup>th</sup> )	Student Conference, Parent Notification, Detention(s)	1 Day Suspension	3 Day Suspension



	BEHAVIORS	Staff Response (1 <sup>st</sup> Event)	Staff Response (2 <sup>nd</sup> & 3 <sup>rd</sup> Events)	Administrative Response (1 <sup>st</sup> Behavior Referral)	Administrative Response (2 <sup>nd</sup> Behavior Referral)	Administrative Response (3 <sup>rd</sup> Behavior Referral)
7	<b>Interference, Disruption, or Obstruction</b> Any action taken to attempt to prevent one or more staff members or students from exercising assigned duties.	Student Conference, Parent Notification, Behavior Referral		Student Conference, Parent Notification, Detention(s)	1 Day Suspension	3 Day Suspension

# Appendix A – Behavior and Response Matrix

BEHAVIORS	Staff Response (1 <sup>st</sup> Event)	Staff Response (2 <sup>nd</sup> & 3 <sup>rd</sup> Events)	Administrative Response (1 <sup>st</sup> Behavior Referral)	Administrative Response (2 <sup>nd</sup> Behavior Referral)	Administrative Response (3 <sup>rd</sup> Behavior Referral)
8 <b>Inappropriate or Offensive Behavior</b> Inappropriate conduct displayed during school, on school property, or at a school event.	Student Conference, Parent Notification, Behavior Referral		1 Day Suspension	3 Day Suspension	5 Day Suspension
9 <b>Inappropriate Sexual Behavior</b> Inappropriate conduct of a sexual nature displayed during school, on school property, or at a school event.	Immediate Behavior Referral		3 Day Suspension	5 Day Suspension	Expulsion



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

	BEHAVIORS	Staff Response (1 <sup>st</sup> Event)	Staff Response (2 <sup>nd</sup> & 3 <sup>rd</sup> Events)	Administrative Response (1 <sup>st</sup> Behavior Referral)	Administrative Response (2 <sup>nd</sup> Behavior Referral)	Administrative Response (3 <sup>rd</sup> Behavior Referral)
16	<p><b>Bullying</b>            "Bullying" means severe or pervasive physical or verbal acts or conduct that is intimidating, threatening, abusive, or harming, is objectively offensive and:</p> <ul style="list-style-type: none"> <li>▪ 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</li> <li>▪ 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.</li> <li>▪ has a substantially detrimental effect on the student's physical and/or mental health</li> <li>▪ See Policy 514 (<a href="http://spcpa.org">spcpa.org</a>) for additional information regarding bullying prohibition.</li> </ul>	Immediate Behavior Referral		3 Day Suspension	5 Day Suspension	Expulsion
17	<p><b>Cyber Bullying</b>            Bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, Internet website, or forum, transmitted through a computer, cell phone, or other electronic device(s). The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.</p>	Immediate Behavior Referral		3 Day Suspension	5 Day Suspension	Expulsion
18	<p><b>Hazing</b>            Committing an act against a student or coercing a student into committing an act that creates a substantial risk of harm or holds a student up to ridicule for the student to be initiated into or affiliated with a student organization, group or club.</p>	Immediate Behavior Referral		3 Day Suspension	5 Day Suspension	Expulsion



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

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



BEHAVIORS	Staff Response		Staff Response (2 <sup>nd</sup> & 3 <sup>rd</sup> Events)	Administrative Response (1 <sup>st</sup> Behavior Referral)	Administrative Response (2 <sup>nd</sup> Behavior Referral)	Administrative Response (3 <sup>rd</sup> Behavior Referral)
	(1 <sup>st</sup> Event)					
30	<b>Over the Counter (OTC) Drugs</b> Any student in possession of or using an "over-the-counter" medication must do so in a manner consistent with district procedures. Selling, distributing, delivering, exchanging, or intending to sell, deliver, exchange or distribute any "over-the-counter" medication is prohibited.		Immediate Behavior Referral	3 Day Suspension	5 Day Suspension	Expulsion
31	<b>Medication Misuse</b> Any student in possession of or using prescription medication must do so in a manner consistent with district procedures. Selling, distributing, delivering, exchanging, or intending to sell, deliver, exchange or distribute any prescription medication is prohibited.		Immediate Behavior Referral	5 Day Suspension	Expulsion	
32	<b>Trespassing</b> Being present in any SPCPA facility or portion of an SPCPA facility when it is closed to the public or when the student does not have the authorization to be there, or unauthorized access or activity involving SPCPA technology.		Immediate Behavior Referral	3 Day Suspension	5 Day Suspension	Expulsion
33	<b>Theft or Knowingly Receiving or Possessing Stolen Property</b> Unauthorized taking of the property of another person or receiving or possessing such property		Immediate Behavior Referral	3 Day Suspension, Restitution	5 Day Suspension, Restitution	Expulsion, Restitution
34	<b>Damage of Property (Vandalism)</b> Damaging, harming, defacing, or stealing property that belongs to or is associated with the school, other students, employees, or others. Vandalism will also include creating, installing, or distributing computer viruses, software, or any other form of malicious computer code.		Immediate Behavior Referral	5 Day Suspension, Restitution	Expulsion Restitution	
35	<b>Burglary</b> Entering a building or specific area of building without consent and with intent to commit a crime or entering a building without consent and committing a crime.		Immediate Behavior Referral	5 Day Suspension Restitution	Expulsion Restitution	
36	<b>Robbery</b> Obtaining property from another person where his or her consent was induced by use of force or threat of force.		Immediate Behavior Referral	Expulsion, Restitution		

	<b>BEHAVIORS</b>	<b>Staff Response</b>		<b>Staff Response</b> (2 <sup>nd</sup> & 3 <sup>rd</sup> Events)	<b>Administrative Response</b> (1 <sup>st</sup> Behavior Referral)	<b>Administrative Response</b> (2 <sup>nd</sup> Behavior Referral)	<b>Administrative Response</b> (3 <sup>rd</sup> Behavior Referral)
		(1 <sup>st</sup> Event)	(2 <sup>nd</sup> & 3 <sup>rd</sup> Events)				
37	<b>Extortion</b> Obtaining money or property by threat to a victim's property or loved ones. Intimidation with intention of obtaining the money or property of another person without their consent.	Immediate Behavior Referral			Expulsion, Restitution		
38	<b>Lighting and/or Possessing Incendiary Devices</b> Unauthorized igniting of matches, lighters, and other devices that produce flames	Immediate Behavior Referral			1 Day Suspension	3 Day Suspension	5 Day Suspension
39	<b>Fire Alarm: False</b> Intentionally giving a false alarm of a fire or tampering or interfering with any fire alarm.	Immediate Behavior Referral			5 Day Suspension, Restitution	Expulsion Restitution	
40	<b>Fire Extinguisher: Unauthorized Use</b> Unauthorized handling of a fire extinguisher	Immediate Behavior Referral			5 Day Suspension, Restitution	Expulsion Restitution	
41	<b>Ammunition, Mace, or Pepper Spray</b> Possession of ammunition or other projectiles designed to be used as a weapon or with a weapon. Other items or materials (e.g. mace or pepper spray) designed to cause pain or injury that are used against another SPCPA student or employee.	Immediate Behavior Referral			5 Day Suspension,	Expulsion	
42	<b>Fireworks: Possession</b> Possessing or offering for sale any substance, combination or substances or article prepared to produce a visible or audible effect by combustion, explosion, deflagration, or detonation.	Immediate Behavior Referral			5 Day Suspension	Expulsion	
43	<b>Fireworks: Use</b> Using any substance or combination of substances prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation	Immediate Behavior Referral			Expulsion		
44	<b>Explosives: Possession or Use</b> Possessing or using a compound or mixture, the primary or common purpose of which is the function by explosion, with substantially instantaneous release of gas and heat.	Immediate Behavior Referral			Expulsion		



	BEHAVIORS	Staff Response		Staff Response (2 <sup>nd</sup> & 3 <sup>rd</sup> Events)	Administrative Response (1 <sup>st</sup> Behavior Referral)	Administrative Response (2 <sup>nd</sup> Behavior Referral)	Administrative Response (3 <sup>rd</sup> Behavior Referral)
		(1 <sup>st</sup> Event)					
45	<b>Arson</b> Intentional destruction or damage to school or SPCPA buildings or property by means of fire	Immediate Behavior Referral		Immediate Behavior Referral	Expulsion, Restitution		
46	<b>Bomb Threat</b> Intentionally giving false alarm of a bomb	Immediate Behavior Referral		Immediate Behavior Referral	Expulsion		
47	<b>Terroristic Threat</b> Threatening, directly or indirectly, to commit a crime of violence with the purpose of terrorizing another or with reckless disregard of the risk of causing terror in another.	Immediate Behavior Referral		Immediate Behavior Referral	Expulsion		
48	<b>Potentially Dangerous Item</b> Possessing or using any device or instrument—including any non-conventional weapon—that, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. (Other weapons include knives with blades under 2.5 inches, fake knives, look alike weapons, chains, etc.)	Immediate Behavior Referral		Immediate Behavior Referral	5 Day Suspension	Expulsion	
49	<b>Weapons: Possession or Use</b> Possessing any firearm, whether loaded or unloaded; any knife; or other device, instrument, or substance, which, in the way it is used or intended to be used is calculated or likely to produce severe bodily harm.	Immediate Behavior Referral		Immediate Behavior Referral	Expulsion		

## Appendix B: High School Graduation Requirements

### ARTS CREDIT REQUIREMENTS

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

Required courses vary, based on the arts program:

Dance, Music (Instrumental & Vocal), Musical Theatre, Theatre, Visual Arts, & Creative Writing

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

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

### SPECIFIC ELECTIVE CREDIT REQUIREMENTS

HEALTH & PHYSICAL EDUCATION	OTHER
<ul style="list-style-type: none"> <li>▪ (.4 Credit) Health</li> <li>▪ (.4 Credit) Physical Education</li> </ul>	<ul style="list-style-type: none"> <li>▪ (.5 Credit) Personal Finance</li> </ul>

### ACADEMIC CREDIT AND COURSE REQUIREMENTS

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

ENGLISH	SOCIAL STUDIES
<b>4.0 credits</b>	<b>3.5 credits</b>
<ul style="list-style-type: none"> <li>▪ (1 Credit) English 09</li> <li>▪ (1 Credit) English 10</li> <li>▪ (1 Credit) English 11</li> <li>▪ (1 Credit) English 12</li> </ul>	<ul style="list-style-type: none"> <li>▪ (1 Credit) World History</li> <li>▪ (1 Credit) U.S. History</li> <li>▪ (.5 Credit) Government</li> <li>▪ (.5 Credit) Economics</li> <li>▪ (.5 Credit) Cultural Geography</li> </ul>
MATHEMATICS	SCIENCE
<b>3.0 credits</b>	<b>3.0 credits</b>
<ul style="list-style-type: none"> <li>▪ (1 Credit) Algebra 2</li> </ul>	<ul style="list-style-type: none"> <li>▪ (1 Credit) Earth &amp; Space Science</li> <li>▪ (1 Credit) Biology</li> <li>▪ (1 Credit) Chemistry (or Physics)</li> </ul>

Please consider the following:

- ✓ 1.0 Credit = Year-Long Course & .5 Credit = Semester Course
- ✓ Students who do not submit course requests will be placed into classes at the discretion of administration.
- ✓ A complete list of course offerings and descriptions are outlined in the 2025-2026 Academic Course Guide posted on the SPCPA website under "Academics" > "Academics Overview."
- ✓ All elective courses must have a minimum enrollment of 20 to be offered.
- ✓ Courses requested for credit recovery are not guaranteed.
- ✓ AP grades are weighted (by a factor of 1.20) when the grade point average (GPA) is calculated.
- ✓ PSEO courses have separate review process for admissions, as determined by the college.
- ✓ Administration may alter a student's course requests following a transcript review.



## 103 Complaints – (Students, Employees, Parents, Other Persons)

### I. Purpose

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SPCPA takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of SPCPA, 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.

### II. General Statement of Policy

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- A. Students, parents, employees, or other persons may report concerns or complaints to SPCPA. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent. A person may file a complaint at any level of SPCPA, i.e., principal, superintendent, or board.
- B. Depending upon the nature and seriousness of the complaint, the administrator receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures. 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 investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- C. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken. The superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minnesota Statutes Chapter 13 (Minnesota Government Data Practices Act) or other law.

- D. SPCPA must include identifying and contact information for its authorizer on the school's official website and in other school materials it makes available to the public.

## Legal References

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

Minn. Stat. § 124E.07, Subd. 7 (Board of Directors)

## Cross References

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Policy 206 (Public Participation in Charter School Board Meetings, Complaints about Persons at Charter School Board Meetings, and Data Privacy Considerations)

Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)

Policy 406 (Public and Private Personnel Data)

Policy 413 (Harassment and Violence)

Policy 514 (Bullying Prohibition)

Policy 515 (Protection and Privacy of Pupil Records)

Policy 522 (Title IX Sex Nondiscrimination)



## 413 Harassment and Violence

### I. Purpose

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The purpose of this policy is to maintain a learning and working environment free from harassment and violence based on race, color, creed, religion, national origin, sex, age, marital status, familial status, status regarding public assistance, sexual orientation, or disability (Protected Class).

### II. General Statement of Policy

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- A. The policy of SPCPA is to maintain a learning and working environment free from harassment and violence based on Protected Class. SPCPA prohibits any form of harassment or violence based on Protected Class.
- B. A violation of this policy occurs when any student, teacher, administrator, or other SPCPA personnel harasses a student, teacher, administrator, or other SPCPA personnel or group of students, teachers, administrators, or other SPCPA personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, SPCPA personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of SPCPA.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other SPCPA personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other SPCPA personnel or group of students, teachers, administrators, or other SPCPA personnel based on a person's Protected Class.
- D. SPCPA will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's Protected Class, and to discipline or take appropriate action against any student, teacher, administrator, or other school personnel found to have violated this policy.

### III. Definitions

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- A. "Assault" is:
  - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
  - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or

3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' races, color, creed, religion, national origin, sex, age, marital status, familial status, status regarding public assistance, sexual orientation, including gender identity or expression, or disability, when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications – Definitions
1. "Disability" means, with respect to an individual who:
    - a. has a physical sensory or mental impairment that materially limits one or more major life activities of such individual;
    - b. has a record of such an impairment; or
    - c. is regarded as having such an impairment.
    - d. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
  2. "Familial status" means the condition of one or more minors having legal status or custody with:
    - a. the minor's parent or parents or the minor's legal guardian or guardians; or
    - b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.



The protections afforded against harassment or discrimination based on family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or discrimination based on the identity, situation, actions, or beliefs of a spouse or former spouse.
  4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
  5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
  7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment – Definition
1. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
    - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
    - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

- c. the conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
- 2. Sexual harassment may include, but is not limited to:
  - a. unwelcome verbal harassment or abuse;
  - b. unwelcome pressure for sexual activity;
  - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
  - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence – Definition

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



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

#### H. Violence – Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to an individual's Protected Class.

### IV. Reporting Procedures

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- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other SPCPA personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other SPCPA personnel or group of students, teachers, administrators, or other SPCPA personnel should report the alleged acts immediately to an appropriate SPCPA official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. However, SPCPA district may not rely solely on anonymous reports to determine discipline or other remedial responses.
- B. SPCPA encourages the reporting party or complainant to use the report form available from the principal, dean or students, or in the main office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a SPCPA human rights officer or to the superintendent. If the complaint involves the principal or SPCPA personnel, the complaint shall be made or filed directly with the superintendent by the reporting party or complainant.
- D. SPCPA's dean of students is the person responsible for receiving oral or written reports of harassment or violence involving students prohibited by this policy. Any adult SPCPA personnel who receive a report of harassment or violence prohibited by this policy shall inform the dean of students immediately. If the complaint involves the dean of students, the complaint shall be made or filed directly with the superintendent by the reporting party or complainant. SPCPA's principal shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other SPCPA employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment, or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the dean of students immediately.

SPCPA personnel who fail to inform the dean of students of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.

- F. SPCPA's human rights officer(s) may not insist upon a written complaint. If the report was given verbally, the human rights officer that received the report shall personally reduce it to written form within 24 hours.
- G. The school hereby designates **Tim Sullivan (Principal & Academic Director)** as the school's human rights officer to receive reports or complaints of harassment or violence involving students prohibited by this policy and **Callie Jacobs (Superintendent)** as the school's human rights officer to receive reports or complaints of harassment involving SPCPA personnel prohibited by this policy. The superintendent is also designated the alternate human rights officer to receive reports or complaints of harassment or violence involving students prohibited by this policy. If the complaint involves the superintendent, the complaint shall be filed directly with the board president.
- H. SPCPA shall conspicuously post the name of the human rights officers, including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. SPCPA 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 legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with SPCPA's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

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

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from SPCPA property and events and/or termination of services and/or contracts.

## V. Investigation

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- A. By authority of SPCPA, a human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake, or authorize an investigation. The investigation may be conducted by SPCPA officials or by a third party designated by SPCPA.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the SPCPA will consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, SPCPA may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other SPCPA personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.



- F. The investigation will be completed as soon as practicable. The SPCPA human rights officer shall make a written report upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the board president. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## VI. School Action

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- A. Upon completion of an investigation that determines a violation of this policy has occurred, SPCPA 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. SPCPA action taken for violation of this policy will be consistent with requirements of Minnesota and federal law and applicable SPCPA policies and regulations.
- B. SPCPA is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of SPCPA. SPCPA will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, SPCPA shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

## VII. Retaliation or Reprisal

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SPCPA will discipline or take appropriate action against any student, teacher, administrator, or other SPCPA personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentionally disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in harassment or violence. Remedial responses to the harassment or violence shall be tailored to the incident and nature of the conduct.

## VIII. Right to Alternate Complaint Procedures

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

## IX. Harassment or Violence as Abuse

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- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes chapter. 260E may be applicable.
- B. Nothing in this policy will prohibit SPCPA from taking immediate action to protect victims of alleged harassment, violence, or abuse.

## X. Dissemination of Policy and Training

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

## Legal References

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Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)

Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)  
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)  
42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)  
42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)  
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

## Cross References

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



## Appendix

### Title IX Coordinator & Human Rights Officer (Students)

Tim Sullivan, Principal & Academic Director  
16 W 5<sup>th</sup> Street  
St. Paul, MN 55102  
651-290-2225  
sullivant@spcpa.org

### Title IX Coordinator & Human Rights Officer (Personnel & Alternate for Students)

Callie Jacobs, Superintendent  
16 W 5<sup>th</sup> Street  
St. Paul, MN 55102  
651-290-2225  
jacobsc@spcpa.org

## 506 Student Discipline

### I. Purpose

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

### II. General Statement of Policy

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SPCPA's 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 for 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 is necessary to administer disciplinary measures. The position of SPCPA is that 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, Minnesota Statutes, Sections 121A.40-121A.56.

In view of the foregoing and in accordance with Minnesota Statutes, Section 121A.55, SPCPA's Board of Directors adopted this policy which governs student conduct and applies to all students attending SPCPA.

### III. Definitions

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- A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under Minnesota Statutes, sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).
- B. "Pupil withdrawal agreement" means a verbal or written agreement between a SPCPA administrator and a pupil's parent to withdraw a student from SPCPA to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

### IV. Policy

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- A. SPCPA will establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies will include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies will recognize the continuing responsibility SPCPA has for the education of the pupil during the dismissal period.
- C. SPCPA is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
  - 1. for a student who remains enrolled in SPCPA or is awaiting enrollment in a new school, SPCPA's continuing responsibility includes reviewing the student's schoolwork and grades on a quarterly basis to ensure the student is on track for readmission with the student's peers. SPCPA will communicate on a regular basis with the student's parent or guardian to ensure that the student is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the student enrolls in another school or returns to the same school;



2. a student receiving school-based or school-linked mental health services in SPCPA under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the student is enrolled in a new school; and
3. SPCPA will provide to the student's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information will also be posted on SPCPA's website.

## V. Areas of Responsibility

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### A. SPCPA's Board of Directors

SPCPA's Board of Directors holds all SPCPA personnel responsible for the maintenance of order within SPCPA and supports all personnel acting within the framework of this discipline policy.

### B. Superintendent

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

### C. Principal

An SPCPA principal is given the responsibility and authority to formulate school rules and regulations necessary to enforce this policy, subject to final approval by the Board of Directors. A principal shall give direction and support to all SPCPA personnel performing their duties within the framework of this policy. A principal shall consult with parents of students conducting themselves in a manner contrary to the policy. A principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to the student or another. A principal shall not use prone restraint and shall not inflict any form of 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.

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 the Code of Student Conduct. A teacher, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A teacher shall not use prone restraint and shall not inflict any form of 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.

E. Other SPCPA Personnel

All SPCPA personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. A SPCPA employee or other agent of the school, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. A SPCPA employee, which does not include a school resource officer, shall not use prone restraint and shall not inflict any form of 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.

For the purpose of Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force), a school resource officer, as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c) is not a school employee or agent of SPCPA.

F. Parents and Legal Guardians

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

G. Students

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

H. Community Members

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

## I. Reasonable Force Reports

1. SPCPA will report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
2. Beginning with the 2024-2025 school year, SPCPA will report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

## VI. Student Rights

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

## VII. Student Responsibilities

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All students have the responsibility:

- A. For their behavior and for knowing and obeying all SPCPA 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 SPCPA authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist SPCPA staff in maintaining a safe school for all students;
- F. To be aware of all SPCPA 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 federal, state, and local laws;
- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with SPCPA staff as appropriate;
- J. To respect and maintain SPCPA'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 SPCPA policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

## VIII. Code of Student Conduct

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- A. The following are examples of unacceptable behavior subject to disciplinary action by SPCPA. 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 SPCPA buildings, SPCPA grounds or defined as SPCPA's "campus", and SPCPA property or property immediately adjacent to SPCPA grounds or defined as SPCPA's "campus"; school-sponsored activities or trips; Metro Transit bus stops; Metro Transit buses, SPCPA vehicles, SPCPA contracted vehicles, or any other vehicles approved for SPCPA purposes; the areas by which one can enter or depart SPCPA's premises or events; and all SPCPA-related functions, SPCPA-sponsored activities, events, or trips. SPCPA property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, SPCPA does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of SPCPA 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 SPCPA 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 SPCPA's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving SPCPA's grounds or SPCPA's defined "campus" without permission;
6. Violation of SPCPA's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of SPCPA's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of SPCPA Weapons Policy;
14. Violation of SPCPA 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 SPCPA;
19. Violation of any local, state, or federal law as appropriate;
20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
21. Violation of SPCPA's Internet Acceptable Use and Safety Policy;
22. Use of a cell phone in violation of SPCPA's Internet Acceptable Use and Safety Policy;
23. Violation of Metro Transit's Code of Conduct or transportation rules or SPCPA's Student Transportation Safety Policy;
24. Violation of parking or SPCPA traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
25. Violation of directives or guidelines relating to lockers or improperly gaining access to a SPCPA locker;
26. Violation of SPCPA's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
27. Violation of SPCPA's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
28. Possession or distribution of slanderous, libelous, or pornographic materials;
29. Violation of SPCPA's Bullying Prohibition Policy;



30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
31. Criminal activity;
32. Falsification of any records, documents, notes, or signatures;
33. Tampering with, changing, or altering records or documents of SPCPA by any method including, but not limited to, computer access or other electronic means;
34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers or other SPCPA personnel;
36. Violation of SPCPA's Harassment and Violence Policy;
37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other SPCPA personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to SPCPA property;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

- 42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;
- 43. Violation of SPCPA's Distribution of Non-School-Sponsored Materials on School Premises by Students and Employees Policy;
- 44. Violation of SPCPA rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
- 45. Other acts, as determined by SPCPA, which are disruptive of the educational process or dangerous or detrimental to the student or other students, SPCPA personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of SPCPA, or which otherwise interferes with or obstruct the mission or operations of SPCPA or the safety or welfare of students or employees.

## IX. Disciplinary Action Options

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

- A. Student conference with teacher, principal, student support staff, or other SPCPA staff, and verbal warning;
- B. Confiscation by SPCPA staff or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any SPCPA policy, rule, regulation, procedure, or state or federal law. If confiscated by SPCPA, the confiscated item, article, object, or thing will be released only to the a parent or guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation unless it is in violation of state or federal law.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;

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

## **X. Removal of Students from Class**

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- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other SPCPA employee to prohibit a student from attending a class or activity period for a period not to exceed five (5) days, pursuant to this discipline policy.



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

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including SPCPA employees, the student or other students, or the property of SPCPA;
3. Willful violation of any SPCPA rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.

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

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

- B. If a student is removed from class more than ten (10) times in a school year, SPCPA shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C. Procedures for Removal of a Student from a Class
  1. A teacher, administrator, or other SPCPA employee must submit a behavior referral for the student that includes details regarding the student's conduct, any victims or witnesses, and any attempts to modify the behavior;
  2. An administrator will review the behavior referral and determine if grounds exist for the removal of the student from class;
  3. The administrator will follow the steps outlined in SPCPA's Conflict Resolution Matrix found in the Student and Parent Handbook based in accordance with the behavior violation listed in the referral whether the determination is made to take disciplinary action or not.

D. Period of Time Removed from Class

1. The removal from class shall be for the period indicated in SPCPA's Conflict Resolution Matrix or deemed appropriate by the principal, in consultation with the teacher. The period for which a student may be removed from a class may not exceed five (5) class periods for a rule of conduct.

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

1. The administrator removing a student from class (or a designee) will designate the location where the student will remain while removed from class;
2. The student will be informed how to get to the designated location;
3. The same administrator will communicate rules and expectations to the student while removed from class;
4. The student will be informed about what they are to do while removed from class and what additional resources may be used;
5. The same administrator will designate who has control over and responsibility for student after removal from class; and
6. The same administrator will communicate the above information in writing to the student, the student's parents or guardians, the student's teachers, and any other SPCPA staff that may need the information.

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

1. An administrator will conduct a readmission meeting prior to the student's return to class that includes discussing and documenting a plan for the student's return to a specific class from which the student was removed. The plan must include reasonable strategies for the student to implement to modify behavior and that parents and guardians and school staff can support and reinforce;
2. The administrator will make every effort to schedule the meeting for a time when the student's teacher and at least one parent or guardian can attend. Meetings may be held in-person, virtually, or via phone and attendance documented;
3. Copies of the plan addressing the student's return to a specific class from which the student was removed will be distributed to the student, parents and guardians, and the teacher following the meeting. A copy will also be placed in the student's cumulative file.

- G. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions
  - 1. A student and the student's parents or guardians will be notified via telephone of a student's violation of the rules of conduct, any resulting disciplinary actions, and next steps, and given any additional or required documentation or resources. All phone calls will be followed up with a written notice sent by email or US Mail.
- H. Students with a Disability; Special Provisions
  - 1. SPCPA's Director of Special Education will implement procedures for consideration of whether there is a need for further assessment;
  - 2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP) of a student with a disability who is removed from class or disciplined; and
  - 3. Any procedures determined appropriate for referring students in need of special education services to those services.
- I. Procedures for Detecting and Addressing Chemical Abuse by Students while on School Premises
  - 1. SPCPA will establish and convene a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26 should an administrator detect chemical abuse by one or more students that rises to the level of needing to be addressed by a school preassessment team; and
  - 2. SPCPA communicates to teachers reporting procedures for suspected or detected chemical abuse by students via the SPCPA Employee Handbook.
- J. Procedures for Immediate and Appropriate Interventions Connected to Violations of the Code of Student Conduct
  - 1. SPCPA's Student and Parent Handbook and Employee Handbook detail roles, responsibilities, and procedures for reporting, documenting, and intervening when there are violations of the Code of Student Conduct.

## XI. Dismissal

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

SPCPA 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.



SPCPA shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and procedures before dismissal proceedings or student withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

The use of exclusionary practices for early learners as defined in Minnesota Statutes, section 121A.425, is prohibited. The use of exclusionary practices to address attendance and truancy issues is prohibited.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
  - 1. Willful violation of any reasonable 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 SPCPA personnel to perform their duties, or SPCPA sponsored extracurricular activities; or
  - 3. Willful conduct that endangers the student or other students, or surrounding persons, including SPCPA employees, or SPCPA property.
- C. Disciplinary Dismissals Prohibited
  - 1. A student enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
    - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
    - b. kindergarten through Grade 3.
  - 2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
  - 3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

D. Suspension Procedures

1. "Suspension" means an action by SPCPA administration, under rules promulgated by the Board of Directors, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. SPCPA administration must allow a suspended student the opportunity to complete all schoolwork assigned during the period of the student's suspension and to receive full credit for satisfactorily completing the assignments. A principal or other person having administrative control of SPCPA is encouraged to designate a SPCPA employee as a liaison to work with the student's teachers to allow the suspended student to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, SPCPA shall make reasonable attempts to convene a meeting with the student and the student's parents or guardians before subsequently removing the student from school and, with the permission of the parents or guardians, arrange for a mental health screening for the student at the parents or guardians expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parents or guardians should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for less than one school day, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. SPCPA administration will not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect.

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

5. A student 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 student's IEP team, including at least one of the student's teachers, shall meet and determine the extent to which the student 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 student's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
6. Alternative education services must be provided to a student who is suspended for more than five (5) consecutive school days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another school or an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
7. SPCPA administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a SPCPA administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence in the possession of authorities, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
8. After SPCPA administration notifies a student of the grounds for suspension, SPCPA administration may, instead of imposing the suspension, do one or more of the following:

- a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student needs services under Minnesota Statutes, chapter 260C.
9. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent(s) or guardian(s) by email or mail within forty-eight (48) hours of the conference. Service by mail shall be complete upon mailing.
10. SPCPA administration shall make reasonable efforts to notify the student's parent(s) or guardian(s) of the suspension by telephone as soon as possible following suspension.
11. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent(s) or guardian(s) by email or mail within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
12. Notwithstanding the foregoing provisions, the student may be suspended pending the SPCPA Board of Director's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a SPCPA Board of Directors action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the SPCPA Board of Directors.
2. "Exclusion" means an action taken by the SPCPA Board of Directors to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the SPCPA Board of Directors.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.



4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and a parent or guardian.
5. The student and his/her/their parent(s) or guardian(s) shall be provided with written notice of SPCPA's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his/her/their parent(s) or guardian(s) personally or by email or mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56; describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent(s) or guardian(s) of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. SPCPA will advise the student's parent(s) or 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) and is posted on its website.
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by SPCPA, the student, or his/her/their parent(s) or guardian(s).
7. All hearings shall be held at a time and place reasonably convenient to the student and parent(s) or guardian(s) and shall be closed, unless the student, parent(s), or guardian(s) requests an open hearing.
8. SPCPA will record the hearing proceedings at SPCPA's expense, and a party may obtain a transcript at its own expense.
9. The student will have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. SPCPA will advise the student's parent(s) or guardian(s) that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. SPCPA's Board of Directors may appoint an attorney to represent SPCPA in any proceeding.
10. If the student designates a representative other than a parent or guardian, the representative must have written authorization from the student and a parent or guardian providing them with access to the student's records.

11. All expulsion or exclusion hearings will take place before and be conducted by an independent hearing officer designated by SPCPA. The hearing will be conducted in a fair and impartial manner. Testimony will be given under oath and the hearing officer will have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent(s) or guardian(s), or authorized representative will be given access to all SPCPA records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent(s) or guardian(s), or authorized representative, will have the right to compel the presence of any SPCPA 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 SPCPA.
14. The student, parent(s) or guardian(s), or authorized representative, will have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer will prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to SPCPA's Board of Directors and served upon the parties within two (2) days after the close of the hearing.
17. The SPCPA Board of Directors will base its decision upon the findings and recommendation of the hearing officer and will 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 the Minnesota Department of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the Board of Directors may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minnesota Statutes, section 121A.49. The decision of the Board of Directors will be implemented during the appeal to the Commissioner.

19. SPCPA will report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. SPCPA will report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services provided to the student and the reason for the services, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a SPCPA administrator will inform the student and his/her/their parent(s) or guardian(s) by email or mail of the student's right to attend and to be reinstated in SPCPA.

## **XII. Admission or Readmission Plan**

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A SPCPA administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

## **XIII. Notification of Policy Violations**

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

In addition, SPCPA will report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a SPCPA employee by a student, and each student withdrawal agreement within thirty (30) days of the effective date of the dismissal action, student withdrawal, or assault, to the MDE Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the student 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.

## XIV. Student Discipline Records

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The policy of SPCPA is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable SPCPA policies and federal and state law, including the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

## XV. Students with Disabilities

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

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the student's IEP team and the student's parent(s) or guardian(s) shall, consistent with federal law, conduct a manifestation determination and determine whether the student's behavior was (i) caused by or had a direct and substantial relationship to the student's disability and (ii) 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, SPCPA 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 will conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that SPCPA 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, SPCPA will continue to provide special education and related services during the period of expulsion or exclusion.

## XVI. Discipline Complaint Procedure

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

The Discipline Complaint Procedure must, at a minimum:

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



2. provide an opportunity for involved parties to submit additional information related to the complaint;
3. provide a procedure to begin to investigate complaints within three (3) school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

## XVII. Distribution of Policy

SPCPA will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in the main office and in administrative offices.

## XVIII. Review of Policy

This policy will be reviewed at least annually by SPCPA's Board of Directors to determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes may be submitted by members of the school community to the superintendent for consideration by the Board of Directors.

## Legal References

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Preassessment Teams)  
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
Minn. Stat. §§ 121A.40-121A.56 and 121A.575 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
Minn. Stat. § 121A.58 (Corporal Punishment; Prone Restraint; And Certain Physical Holds)

Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. §§ 121A.60 (Definitions)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 121A.611 (Recess and Other Breaks)  
Minn. Stat. § 122A.42 (General Control of Schools)  
Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)  
Minn. Stat. § 124E.03 (Applicable Law)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 152.22, Subd. 6 (Definitions)  
Minn. Stat. § 152.23 (Limitations)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

## Cross References

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Policy 413 (Harassment and Violence)  
Policy 501 (School Weapons)  
Policy 506 (Student Discipline)  
Policy 514 (Bullying Prohibition)  
Policy 525 (Violence Prevention)  
Policy 526 (Hazing Prohibition)

## 514 Bullying Prohibition

### I. Purpose

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A safe and civil environment is needed for students to learn, attain high academic standards, engage in conservatory-style artistic training, 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. SPCPA cannot always monitor the activities of students and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of SPCPA and the rights and welfare of its students and is within the control of SPCPA in its normal operations, SPCPA intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist SPCPA in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

### II. General Statement of Policy

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- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:
  - 1. on SPCPA's premises or defined "campus", at SPCPA functions or activities, on Metro Transit when traveling to and from SPCPA;
  - 2. by the use of electronic technology and communications on SPCPA premises, during SPCPA functions or activities, on Metro Transit when traveling to and from SPCPA, or on SPCPA computers, networks, forums, and mailing lists; or
  - 3. by use of electronic technology and communications off SPCPA premises to the extent such use substantially and materially disrupts student learning or SPCPA's environment.
- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to the public school students participating in the activity.

- C. 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 SPCPA 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 SPCPA functions or activities or receive SPCPA benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off SPCPA property and/or with or without the use of SPCPA resources. This policy also applies to sexual exploitation.
- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other SPCPA personnel.
- Malicious and sadistic conduct and sexual exploitation by a SPCPA staff member, independent contractor, or enrolled student against a staff member, independent contractor, or student that occurs as described in Article II.A above is prohibited.
- E. No teacher, administrator, volunteer, contractor, or other employee of SPCPA shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent from a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. 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 SPCPA's policies and procedures, including SPCPA's student discipline policy. SPCPA may consider the following factors:
1. The developmental ages and maturity levels of the parties involved;
  2. The levels of harm, surrounding circumstances, and nature of the behavior;
  3. Past incidences or past or continuing patterns of behavior;
  4. The relationship between the parties involved; and



5. The context in which the alleged incidents occurred.

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. SPCPA shall employ strategies and effective discipline to deter violations of this policy that encourage student, parent, and community participation.

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

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

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

### III. Definitions

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

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

The term "bullying" specifically includes cyberbullying, malicious and sadistic conduct, and sexual exploitation.

- 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 another electronic device. The term applies to prohibited conduct which occurs on SPCPA premises, on SPCPA property, at SPCPA functions or activities, on Metro Transit when traveling to and from SPCPA, or on SPCPA computers, networks, forums, and mailing lists, or off SPCPA premises to the extent that it substantially and materially disrupts student learning or SPCPA's 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 characteristic defined in this paragraph or the MHRA.
- E. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- F. "On SPCPA premises, on SPCPA school property, at SPCPA functions or activities, or on Metro Transit when traveling to and from SPCPA" means all SPCPA buildings, SPCPA grounds, and SPCPA property, property immediately adjacent to SPCPA grounds, SPCPA's defined "campus," Metro Transit bus stops, Metro Transit buses, SPCPA vehicles, SPCPA contracted vehicles, or any other vehicles approved for SPCPA purposes, the area of entrance or departure from SPCPA grounds, premises, or events, and all SPCPA-related functions, SPCPA-sponsored activities, events, or trips. SPCPA property also may mean a student's walking route to or from school for purposes of attending SPCPA or SPCPA-related functions, activities, or events. While prohibiting bullying at these locations and events, the SPCPA does not represent that it will provide supervision or assume liability at these locations and events.
- G. "Prohibited conduct" means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct.
- H. "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.

- I. "Student" means a student enrolled in SPCPA.

#### IV. Reporting Procedure

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- A. Any person who believes he/she/they have been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate SPCPA official designated by this policy. A person may report bullying anonymously. However, SPCPA may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. SPCPA encourages the reporting party or complainant to use the report form available from the principal or in SPCPA's main office, but oral reports shall be considered complaints as well.
- C. SPCPA's principal or the principal's designee (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to SPCPA's Human Rights Officer or Superintendent. 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.

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 SPCPA shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other SPCPA 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. SPCPA personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. SPCPA 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 SPCPA's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## V. School Action

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- A. Within three school days of receiving a complaint or report of bullying or other prohibited conduct, SPCPA shall undertake or authorize an investigation by the building report taker, or a third party designated by SPCPA.
- B. The building report taker or other appropriate SPCPA officials may take immediate steps, at their discretion, to protect the target or victim of bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, SPCPA 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 incident and nature of the conduct and shall consider the factors specified in Section II.F. of this policy. SPCPA action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; SPCPA's student discipline policy, and other applicable SPCPA policies; and applicable regulations.
- E. SPCPA is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of SPCPA. SPCPA officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.



- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, SPCPA shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

## VI. Retaliation or Reprisal

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SPCPA will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of SPCPA 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 prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the incident and nature of the conduct and will take into account the factors specified in Section II.F. of this policy.

## VII. Training and Education

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- A. Consistent with its applicable policies and practice, SPCPA must discuss this policy with students, SPCPA personnel and volunteers and provide appropriate training for all SPCPA personnel to prevent, identify, and respond to prohibited conduct. SPCPA shall establish a training cycle for SPCPA personnel to occur during a period not to exceed every three school years. Newly employed SPCPA personnel must receive training within the first year of their employment with SPCPA. SPCPA 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 SPCPA rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. SPCPA shall require ongoing professional development, consistent with Minnesota Statutes, section 122A.60, to build the skills of all SPCPA personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
  - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;

3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in a school environment;
  4. The incidence and nature of cyberbullying; and
  5. Internet safety and cyberbullying.
- C. SPCPA annually will discuss this topic with students, including providing information regarding this SPCPA policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of SPCPA is directed to take initiative to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

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

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct;
5. Teach students to advocate for themselves and others;

6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
  7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. SPCPA may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- G. SPCPA shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. SPCPA may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

## VIII. Notice

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- A. SPCPA will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy will be conspicuously posted throughout SPCPA and in the main office.
- C. Copies of this policy are available in the main office.
- D. This policy must be distributed to each SPCPA employee and independent contractor, if the contractor regularly interacts with students, at the time of employment with SPCPA.
- E. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- F. This policy will also be available to all parents and other school community members in an electronic format in the languages appearing on SPCPA's website, consistent with SPCPA's policies and practices.
- G. SPCPA shall provide an electronic copy of its most recently amended policy to the Minnesota Commissioner of Education.

## IX. Policy Review

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To the extent practicable, SPCPA's Board of Directors shall, on a cycle consistent with other SPCPA policies, review and revise this policy. The policy shall be made consistent with Minnesota Statutes, sections 121A.031 and 121A.0312 and other applicable laws.

## Legal References

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Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definitions)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Model Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. § 121A.0311  
(Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)  
Minn. Stat. § 121A.0312 (Malicious and Sadistic Conduct)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)  
Minn. Stat. Ch. 124E (Charter Schools)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

## Cross References

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Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)  
Policy 413 (Harassment and Violence)  
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
Policy 423 (Employee-Student Relationships)  
Policy 501 (School Weapons Policy)  
Policy 506 (Student Discipline)  
Policy 515 (Protection and Privacy of Pupil Records)  
Policy 521 (Student Disability Nondiscrimination)  
Policy 522 (Title IX Sex Nondiscrimination Policy)  
Policy 524 (Internet Acceptable Use and Safety Policy)  
Policy 525 (Violence Prevention)  
Policy 526 (Hazing Prohibition)  
Policy 529 (Staff Notification of Violent Behavior by Students)  
Policy 712 (Video Surveillance Other than on Buses)



## 515 Protection & Privacy of Pupil Records

### I. Purpose

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SPCPA recognizes its responsibility regarding the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

### II. General Statement of Policy

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The following procedures and policies regarding the protection and privacy of parents and students are adopted by SPCPA, pursuant to the requirements of 20 United States Code, section 1232g, *et seq.*, (Family Educational Rights and Privacy Act (FERPA)) 34 Code of Federal Regulations part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, and Minnesota Rules, parts 1205.0100-1205.2000.

### III. Definitions

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#### A. Authorized Representative

Authorized representative means any entity or individual designated by SPCPA, the state, or an agency headed by an official of the Comptroller of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities to conduct, with respect to federal or state supported education programs, any audit or evaluation or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

#### B. Biometric Record

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

#### C. Dates of Attendance

Dates of attendance, as referred to in "Directory Information," means the period during which a student attends or attended SPCPA, including attendance in person or via other means. The term does not include specific daily records of a student's attendance at SPCPA.

D. Directory Information

1. **Under federal law**, directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; arts program; dates of attendance; grade level; enrollment status (i.e., full-time or part-time); participation in officially recognized activities; degrees, honors and awards received; and the most recent educational agency or institution attended. It also includes the name, address, and telephone number of the student's parent(s). Directory information does not include:
  - a. a student's social security number;
  - b. a student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or another factor known or possessed only by the authorized user; or
  - c. a student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
  - d. personally identifiable data which references religion, race, color, social position, or nationality.
- b. **Under Minnesota law**, SPCPA may not designate a student's home address, telephone number, email address, or other personal contact information as "directory information."

E. Education Records

1. Education records mean those records that are (1) directly related to a student and (2) maintained by SPCPA or by a party acting for SPCPA.
2. The term education records do not include:
  - a. Records of instructional personnel that are:
    - (1) kept in the sole possession of the maker of the record;
    - (2) used only as a personal memory aid;

- (3) not accessible or revealed to any other individual except a temporary substitute teacher; and
  - (4) destroyed at the end of the school year.
- b. Records of a law enforcement unit of SPCPA, provided education records maintained by SPCPA are not disclosed to the unit, and the law enforcement records are:
  - (1) maintained separately from education records;
  - (2) maintained solely for law enforcement purposes; and
  - (3) disclosed only to law enforcement officials of the same jurisdiction.
- c. Records relating to an individual, including a student, who is employed by SPCPA which:
  - (1) are made and maintained in the normal course of business;
  - (2) relate exclusively to the individual in that individual's capacity as an employee; and
  - (3) are not available for use for any other purpose.

However, records relating to an individual in attendance at SPCPA who is employed because of student status are education records.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, that are:
  - (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
  - (2) made, maintained, or used only in connection with the provision of treatment to the student; and
  - (3) disclosed only to individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For this definition, "treatment" does not include remedial educational activities or activities that are a part of the program of instruction within SPCPA.

- e. Records created or received by SPCPA after an individual is no longer a student at SPCPA and that are not directly related to the individual's attendance as a student.
- f. Grades on peer-related papers before the papers are collected and recorded by a teacher.

F. Education Support Services Data

Education support services data means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under Minnesota Statutes, section 13.46.

Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to Minnesota Statutes, section 13.05 or a court order.

G. Eligible Student

Eligible student means a student who has reached eighteen (18) years of age or is attending an institution of post-secondary education.

H. Juvenile Justice System

Juvenile justice system includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

I. Legitimate Educational Interest

Legitimate educational interest includes an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person's need to know to:

1. Perform an administrative task required in the school, an employment agreement, or position description approved by SPCPA's board;
2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid; or
4. Perform a task directly related to responding to a request for data.



J. Parent

Parent means a parent of a student and includes a natural parent, a legal guardian, or an individual acting as a parent of the student in the absence of a parent or legal guardian. SPCPA may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

K. Personally Identifiable

Personally identifiable means that the data or information includes, but is not limited to: (a) a student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier such as the student's social security number or student number or biometric record; (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) information requested by a person who SPCPA reasonably believes knows the identity of the student to whom the education record relates.

L. Record

Record means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

M. Responsible Authority

Responsible authority means the individual responsible for the maintenance and security of student records. SPCPA's responsible authority is Susan Reiling, executive assistant to the superintendent.

N. Student

Student includes any individual who is or has been in attendance, enrolled, or registered at SPCPA and regarding whom SPCPA maintains education records. Student also includes applicants for enrollment or registration at SPCPA.

O. School Official

School official includes: (a) a person duly elected to SPCPA's board; (b) a person employed by SPCPA's board in an administrative, supervisory, instructional, or other professional position; (c) a person employed by SPCPA's board as a temporary substitute in a professional position for the period of performance as a substitute; and (d) a person employed by or under contract to SPCPA's board to

perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of performance as an employee or contractor.

P. Summary Data

Summary data means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

Q. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

#### IV. General Classification

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State law provides that all data collected, created, received, or maintained by SPCPA are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by SPCPA which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

#### V. Statement of Rights

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A. Rights of Parents and Eligible Students

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

1. The right to inspect and review the student's education records;
2. The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
4. The right to refuse release of names, addresses, and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions;

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by SPCPA to comply with the federal law and the regulations promulgated thereunder;
6. The right to be informed about rights under the federal law; and
7. The right to obtain a copy of this policy at the location set forth in Section XXI. of this policy.

B. Eligible Students

All rights and protections given to parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the education records of such student without first obtaining the consent of the student. In addition, parents of an eligible student may be given access to education records in connection with a health or safety emergency if the disclosure meets the conditions of any provision set forth in 34 Code of Federal Regulations, section 99.31(a).

C. Students with a Disability

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

## VI. Disclosure of Education Records

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A. Consent Required for Disclosure

1. SPCPA shall obtain a signed and dated written informed consent of the parent or legal guardian of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent or legal guardian of the student or the eligible student giving the consent and shall include:
  - a. a specification of the records to be disclosed;
  - b. the purpose or purposes of the disclosure;
  - c. the party or class of parties to whom the disclosure may be made;
  - d. the consequences of giving informed consent; and

- e. if appropriate, a termination date for the consent.
- 3. When a disclosure is made under this subdivision:
  - a. if the parent, legal guardian, or eligible student so requests, SPCPA shall provide him or her with a copy of the records disclosed; and
  - b. if the parent or legal guardian of a student who is not an eligible student so requests, SPCPA shall provide the student with a copy of the records disclosed.
- 4. A signed and dated written consent may include a record and signature in electronic form that:
  - a. identifies and authenticates a particular person as the source of the electronic consent; and
  - b. indicates such person's approval of the information contained in the electronic consent.
- 5. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
  - a. in plain language;
  - b. dated;
  - c. specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
  - d. specific as to the nature of the information the subject is authorizing to be disclosed;
  - e. specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
  - f. specific as to the purpose or purposes for which the information may be used by any of the parties named in Clause e. above, both at the time of the disclosure and at any time in the future; and
  - g. specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for: (a) life insurance or noncancellable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (b)



medical assistance under Minnesota Statutes, chapter 256B or Minnesota Care under Minnesota Statutes, chapter 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by SPCPA that are subject to third party reimbursement.

6. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in Section V. of this policy.

B. Prior Consent for Disclosure Not Required

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

1. To other school officials, including teachers, within SPCPA whom SPCPA determines have a legitimate educational interest in such records;
2. To a contractor, consultant, volunteer, or other party to whom SPCPA has outsourced institutional services or functions provided that the outside party:
  - a. performs an institutional service or function for which SPCPA would otherwise use employees;
  - b. is under the direct control of SPCPA with respect to the use and maintenance of education records; and
  - c. will not disclose the information to any other party without the prior consent of the parent or eligible student and uses the information only for the purposes for which the disclosure was made;
3. To officials of other schools, school districts, or 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 (see Section XIX.), suspension and expulsion information pursuant to section 7917 of the federal Every Student Succeeds Act, 20 United States Code, section 7917, SPCPA's policy and procedures regarding notifying staff of violent behavior by students and, if applicable, data regarding a

student's history of violent behavior. The records also shall include a copy of any probable cause notice or any disposition or court order under Minnesota Statutes, section 260B.171, unless the data are required to be destroyed under Minnesota Statutes, section 120A.22, subdivision 7(c) or section 121A.75. On request, SPCPA will provide the parent, legal guardian, or eligible student with a copy of the education records that have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with Section XV. of this policy;

4. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or a representative, subject to the conditions relative to such disclosure provided under federal law;
5. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:
  - a. determine eligibility for the aid;
  - b. determine the amount of the aid;
  - c. determine conditions for the aid; or
  - d. enforce the terms and conditions of the aid.

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

6. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
  - a. before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; or
  - b. after November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to SPCPA that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student.

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

7. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization who have a legitimate interest in the information, the information is destroyed when no longer needed for the purposes for which the study was conducted, and SPCPA enters into a written agreement with the organization that: (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (b) requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (c) requires the organization to conduct the study in a manner that does not permit personal identification of parents, legal guardians, and students by anyone other than representatives of the organization with legitimate interests; and (d) requires the organization to destroy all personally identifiable information when information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed. For purposes of this provision, the term, "organizations," includes, but is not limited to, federal, state, and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of SPCPA to whom information is disclosed violates this provision, SPCPA may not allow that third party access to personally identifiable information from education records for at least five (5) years;
8. To accrediting organizations to carry out their accrediting functions;
9. To parents of a student eighteen (18) years of age or older if the student is a dependent of the parents for income tax purposes;
10. To comply with a judicial order or lawfully issued subpoena, provided, however, that SPCPA makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than

an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B), an act of domestic or international terrorism as defined in 18 United States Code, section 2331, or a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of the proceeding. If SPCPA initiates legal action against a parent or student, it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as a plaintiff. Also, if a parent or eligible student initiates a legal action against SPCPA, SPCPA may disclose to the court, without a court order or subpoena, the student's education records that are relevant for SPCPA to defend itself;

11. To appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health, including the mental health, or safety of the student or other individuals. The decision is to be based upon information available at the time the threat occurs that indicates that there is an articulable and significant threat to the health or safety of a student or other individuals. In deciding whether to disclose information under this section, SPCPA may consider the totality of the circumstances pertaining to a threat and may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other students. A record of this disclosure must be maintained pursuant to Section XIII.E. of this policy. In addition, an educational agency or institution may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within SPCPA 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 SPCPA has designated as "directory information" pursuant to Section VII. of this policy;
14. To military recruiting officers and post-secondary educational institutions pursuant to Section XI. of this policy;
15. To the parent of a student who is not an eligible student or to the student himself or herself;

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

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



19. To the principal where the student attends and to any employee directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by a school official under Minnesota Statutes, section 260B.171, subdivision 3. The principal must notify the employee immediately and must place the disposition order in the student's permanent education record. The principal also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other school employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by any employee, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or legal guardian;
20. To the principal where the student attends if it is information from a peace officer's record of children received by a school official under Minnesota Statutes, section 260B.171, subdivision 5. The principal must place the information in the student's education record. The principal also must notify immediately any employee directly supervising the student whom the principal believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student if the principal determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the principal must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by any employee, substitute, or volunteer except to communicate with the student or the student's parent or legal guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

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

21. To an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in 25 United States Code, section 5304), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.
22. When requested, and in accordance with requirements for parental consent in 34 Code of Federal Regulations, section 300.622(b)(2), and part 99, educational agencies or institutions may share personal student contact information and directory information for students served in special education with postsecondary transition planning and services under Minnesota Statutes, section 125A.08, paragraph (b), clause (1), whether public or private, with the Minnesota Department of Employment and Economic Development, as required for coordination of services to students with disabilities under Minnesota Statutes, sections 125A.08, paragraph (b), clause (1); 125A.023; and 125A.027.

## VII. Release of Directory Information

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### A. Educational Data

1. Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:
  - a. Minnesota Statutes, section 13.32, subdivision 5; and
  - b. 20 United States Code, section 1232g, and 34 Code of Federal Regulations, section 99.37, which were in effect on January 3, 2012.

2. SPCPA may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under Minnesota Statutes, section 13.32.
3. A parent's personal contact information must be treated as private data on individuals regardless of whether that contact information was previously designated as or treated as directory information under Minnesota Statutes, section 13.32, subdivision 2.
3. When requested, SPCPA must share personal contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

B. Former Students

Unless a former student validly opted out of the release of directory information while the student was in attendance and has not rescinded the opt out request at any time, SPCPA may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an education record, SPCPA may release records that only contain information about an individual obtained after the student is no longer a student at SPCPA and that are not directly related to the individual's attendance as a student (e.g., a student's activities as an alumnus of SPCPA).

C. Present Students and Parents

SPCPA may disclose directory information from the education records of a student and information regarding parents or legal guardians without prior written consent of the parent or legal guardian of the student or eligible student, except as provided herein.

1. When conducting the directory information designation and notice process required by federal law, SPCPA shall give parents, legal guardians, and students notice of the right to refuse to let the district designate specified data about the student as directory information.
2. SPCPA shall give annual notice by any means that are reasonably likely to inform the parents, legal guardians, and eligible students of:
  - a. the types of personally identifiable information regarding students and/or parents and legal guardians that SPCPA has designated as directory information;
  - b. the parent's, legal guardian's, or eligible student's right to refuse to let SPCPA designate any or all of those types of information about the student and/or the parent or legal guardian as directory information; and

- c. the period in which a parent, legal guardian, or eligible student must notify SPCPA in writing that they do not want any or all those types of information about the student and/or the parent or legal guardian designated as directory information.
- 3. Allow a reasonable period after such notice has been given for a parent, legal guardian, or eligible student to inform SPCPA in writing that any or all of the information so designated should not be disclosed without the parent's, legal guardian's, or eligible student's prior written consent, except as provided in Section VI. of this policy.
- 4. A parent, legal guardian, or eligible student may not opt out of the directory information disclosures to:
  - a. prevent SPCPA from disclosing or requiring the student to disclose the student's name, ID, or SPCPA e-mail address in a class in which the student is enrolled; or
  - b. prevent SPCPA 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 SPCPA as directory information.
- 5. SPCPA shall not disclose or confirm directory information without meeting the written consent requirements contained in Section VI.A. of this policy if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

D. Procedure for Obtaining Nondisclosure of Directory Information

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

- 1. Name of the student and/or parent or legal guardian, as appropriate;
- 2. Home address;
- 3. School presently attended by student;
- 4. Parent's or legal guardian's legal relationship to student, if applicable; and
- 5. Specific categories of directory information to not be made public without the parent's, legal guardian's, or eligible student's prior written consent, which shall only be applicable for that school year.

E. Duration

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

## VIII. Release of Private Records

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A. Private Records

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

B. Private Records Not Accessible to Parent

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

1. The responsible authority may deny access to private data by a parent or legal guardian when a minor student who is the subject of that data requests that the responsible authority denies such access. The minor student's request must be submitted in writing setting forth the reasons for denying access to the parent or legal guardian 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 or legal guardian access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:
  - a. whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
  - b. whether the personal situation of the minor is such that denying parental or legal guardian access may protect the minor data subject from physical or emotional harm;



- c. whether there are grounds for believing that the minor data subject's reasons for precluding parental or legal guardian access are reasonably accurate;
- d. whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- e. whether the data concerns medical, dental or other health services provided pursuant to Minnesota Statutes, sections 144.341-144.347, in which case the data may be released only if the failure to inform the parent or legal guardian would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

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

D. Military-Connected Youth Identifier

When SPCPA updates its enrollment forms in the ordinary course of business, SPCPA must include a box on the enrollment form to allow students to self-identify as a military-connected youth. For purposes of this section, a "military-connected youth" means having an immediate family member, including a parent, legal guardian, or sibling, who is currently in the armed forces either as a reservist or on active duty or has recently retired from the armed forces. Data collected under this provision is private data on individuals, but summary data may be published by the Department of Education.

## IX. Disclosure of Confidential Records

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A. Confidential Records

Confidential records are those records and data contained therein which are not made public by state or federal law, and which are inaccessible to the student and the student's parents, legal guardians, or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minnesota Statutes, chapter 260E, written copies of reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent, legal guardian, or the subject individual by SPCPA. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff, or the local police department subject to the provisions of Minnesota Statutes, chapter 260E.

Regardless of whether a written report is made under Minnesota Statutes, chapter 260E, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

C. Investigative Data

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

1. SPCPA may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency, or the public if SPCPA determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement the complainant provided to SPCPA.
3. Parents, legal guardians, 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 SPCPA students, SPCPA employees, and/or attorney data as defined in Minnesota Statutes, section 13.393.
4. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
  - a. a decision by SPCPA, or by SPCPA's legal counsel, not to pursue the civil legal action. However, such investigation may subsequently become active if SPCPA or its legal counsel decides to renew the civil legal action;
  - b. the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
  - c. the exhaustion or expiration of rights of appeal by either party to the civil legal action.

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

D. Chemical Abuse Records

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

## X. Disclosure of School Records Prior to Exclusion or Expulsion Hearing

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

## XI. Disclosure of Data to Military Recruiting Officers and Post-Secondary Educational Institutions

- A. SPCPA will release the names, addresses, electronic mail address (which shall be the electronic mail addresses provided by SPCPA, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent, legal guardian, or eligible student has refused in writing to release this data pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
  1. may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military;
  2. cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces; and
  3. copying fees shall not be imposed.

- C. A parent, legal guardian, or eligible student has the right to refuse the release of the name, address, electronic mail addresses (which shall be the electronic mail addresses provided by SPCPA, if available, that may be released to military recruiting officers only) or home telephone number to military recruiting officers and post-secondary educational institutions.

To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent, legal guardian, or eligible student must notify Susan Reiling, Executive Assistant to the Superintendent, the responsible authority, in writing by September 15 each year. The written request must include the following information:

1. Name of student and parent or legal guardian, as appropriate;
  2. Home address;
  3. Student's grade level;
  4. School presently attended by student;
  5. Parent's legal relationship to student, if applicable;
  6. Specific category or categories of information which are not to be released to military recruiting officers and post-secondary educational institutions; and
  7. Specific category or categories of information which are not to be released to the public, including military recruiting officers and post-secondary educational institutions.
- D. Annually, SPCPA will provide public notice by any means that are reasonably likely to inform the parents, legal guardians, and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.
- E. A parent, legal guardian, or eligible student's refusal to release the above information to military recruiting officers and post-secondary educational institutions does not affect SPCPA's release of directory information to the rest of the public, which includes military recruiting officers and post-secondary educational institutions. To make any directory information about a student private, the procedures contained in Section VII. of this policy also must be followed. Accordingly, to the extent SPCPA has designated the name, address, home phone number, and grade level of students as directory information, absent a request from a parent, legal 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.

## XII. Limits on Redisclosure

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### A. Redisclosure

Consistent with the requirements herein, SPCPA 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 or legal guardian 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

1. Subdivision A. of this section does not prevent SPCPA from disclosing personally identifiable information under Section VI. of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of SPCPA provided:
  - a. The disclosures meet the requirements of Section VI. of this policy; and
  - b. SPCPA has complied with the record-keeping requirements of Section XIII. of this policy.
2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent, legal guardian, or student or to parents or legal guardians of dependent students, or to disclosures concerning sex offenders and other individuals required to register under 42 United States Code, section 14071. However, the school district must provide the notification required in Section XII.D. of this policy if a redisclosure is made based upon a court order or lawfully issued subpoena.

### C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of SPCPA.

### D. Notification

SPCPA shall inform the party to whom a disclosure is made of the requirements set forth in this section, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under Section VII. of this policy, disclosures to a parent or student, or disclosures to parents of a dependent student.



In the event that the Family Policy Compliance Office determines that a state or local educational authority, a federal agency headed by an official listed in 34 Code of Federal Regulations, section 99.31(a)(3), or an authorized representative of a state or local educational authority or a federal agency headed by an official listed in section 99.31(a)(3), or a third party outside of the school district improperly rediscloses personally identifiable information from education records or fails to provide notification required under this section of this policy, SPCPA may not allow that third party access to personally identifiable information from education records for at least five (5) years.

### XIII. Responsible Authority; Record Security; and Record Keeping

#### A. Responsible Authority

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

#### B. Record Security

The responsible authority shall also be responsible for maintaining and securing the privacy and confidentiality of student records and educational data.

#### C. Plan for Securing Student Records

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

1. A description of records maintained;
2. Title personal contact information, and personal address of the responsible authority;
3. Location of student records, by category, in the building;
4. Means of securing student records; and
5. Procedures for access and disclosure.

#### D. Review of Written Plan for Securing Student Records

The responsible authority shall assure the written plan pursuant to Paragraph C. of this section is compliant with the law, this policy, and the various administrative policies of SPCPA. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. which shall be attached to and become a part of this policy.

E. Record Keeping

1. A record will be maintained for each request for and each disclosure of personally identifiable information from the education records of a student maintained in the student's education record, that indicates:
  - a. the parties who have requested or received personally identifiable information from the education records of the student;
  - b. the legitimate interests these parties had in requesting or obtaining the information; and
  - c. the names of the state and local educational authorities and federal officials and agencies listed in Section VI.B.4. of this policy that may make further disclosures of personally identifiable information from the student's education records without consent.
2. In the event SPCPA discloses personally identifiable information from an education record of a student pursuant to Section XII.B. of 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 SPCPA;
  - b. the legitimate interests under Section VI. of this policy which each of the additional parties has in requesting or obtaining the information; and
  - c. a copy of the record of further disclosures maintained by a state or local educational authority or federal official or agency listed in Section VI.B.4. of this policy in accordance with 34 Code of Federal Regulations, section 99.32 and to whom the school district disclosed information from an education record. SPCPA shall request a copy of the record of further disclosures from a state or local educational authority or federal official or agency to whom education records were disclosed upon a request from a parent or eligible student to review the record of requests for disclosure.
3. Section XIII.E.1. does not apply to requests by or disclosure to a parent or legal guardian of a student or an eligible student, disclosures pursuant to the written consent of a parent or legal guardian of a student or an eligible student, requests by or disclosures to other school officials under Section VI.B.1. of this policy, to requests for disclosures of directory information under Section VII. of this policy, or to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed or as directed by an ex parte court order

obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 United States Code, section 2332b(g)(5)(B) or an act of domestic or international terrorism.

4. The record of requests of disclosures may be inspected by:
  - a. the parent or legal guardian of the student or the eligible student;
  - b. the school official or an assistant of a school official who is responsible for the custody of the records; and
  - c. the parties authorized by law to audit the record-keeping procedures of SPCPA.
5. SPCPA 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 SPCPA disclosed the information.
6. The record of requests and disclosures shall be maintained with the education records of the student if SPCPA maintains the student's education records.

#### XIV. Right to Inspect and Review Education Records

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

SPCPA shall permit the parent or legal guardian of a student, an eligible student, or the parent or legal guardian of an eligible student who is also a dependent student who is or has been in attendance at SPCPA 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 Section VIII. of this policy.

- B. Response to Request for Access

SPCPA shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

1. The right to a response from SPCPA to reasonable requests for explanations and interpretations of records; and
2. If circumstances effectively prevent the parent, legal guardian, or eligible student from exercising the right to inspect and review the education records, SPCPA shall provide the parent, legal guardian, or eligible student with a copy of the records requested or make other arrangements for the parent, legal guardian, or eligible student to inspect and review the requested records.
3. Nothing in this policy should be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or legal guardian or by the student upon the student reaching the age of majority.

D. Form of Request

Parents, legal guardians, or eligible students shall submit to SPCPA a written request to inspect education records which identify as precisely as possible the record or records requested to be inspected.

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, legal guardian, or eligible student wishes to inspect these records where they are maintained, SPCPA will attempt to accommodate those wishes. The parent, legal guardian, or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

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

G. Authority to Inspect or Review

SPCPA may presume that either parent of the student has authority to inspect or review the education records of a student unless SPCPA 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. SPCPA 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, SPCPA 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 SPCPA 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, legal guardian, or eligible student.
4. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent, legal guardian, or eligible student if doing so would effectively prevent or, in the case of a student with a disability, impair the parent, legal guardian, or eligible student from exercising their right to inspect or review the student's education records.



## XV. Request to Amend Records; Procedures to Challenge Data

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### A. Request to Amend Education Records

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

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading, or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes SPCPA to make. The request shall be signed and dated by the requestor.
2. SPCPA 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 SPCPA decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent or legal guardian of the student or the eligible student of the refusal and advise the parent, legal guardian, or eligible student of the right to a hearing under Subdivision B. of this section.

### B. Right to a Hearing

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

1. If, because of the hearing, SPCPA decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent or legal guardian of the student or the eligible student in writing.
2. If, because of the hearing, SPCPA 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, legal guardian, or eligible student of the right to place a statement in the record commenting on the contested information in the record or refuting the decision of SPCPA, or both.

3. Any statement placed in the education records of the student under Subdivision B. of this section shall:
  - a. be maintained by SPCPA as part of the education records of the student so long as the record or contested portion thereof is maintained by SPCPA; and
  - b. if the education records of the student or the contested portion thereof is disclosed by SPCPA 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 after SPCPA received the request, and the parent or legal guardian 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 SPCPA who does not have a direct interest in the outcome of the hearing. SPCPA's legal counsel shall be in attendance to present SPCPA's position and advise the designated hearing officer on legal and evidentiary matters.
3. The parent or legal guardian of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by any individual at their own expense, including an attorney.
4. SPCPA shall decide in writing within a reasonable period after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of Minnesota Statutes, chapter 14 relating to contested cases.

## XVI. Problems Accessing Data

- A. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- B. Data practices compliance official means SPCPA's superintendent, Callie Jacobs.

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

## **XVII. Complaints for Noncompliance with FERPA**

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A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents, legal guardians, and eligible students by FERPA, and the rules promulgated thereunder, shall be submitted in writing to the U.S. Department of Education, Student Privacy Policy Office, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of FERPA and the rules promulgated thereunder has occurred.

## **XVIII. Waiver**

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A parent, legal guardian, or eligible student may waive any rights provided herein pursuant to FERPA. A waiver shall not be valid unless in writing and signed by the parent, legal guardian, or eligible student. SPCPA may not require such a waiver.

## **XIX. Annual Notification of Rights**

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A. Contents of Notice

SPCPA shall give parents or legal guardians of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents, legal guardians, and eligible students of the following:

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

3. That the parent, legal guardian, or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated thereunder authorize disclosure without consent;
  4. That the parent, legal guardian, or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by SPCPA to comply with the requirements of FERPA and the rules promulgated thereunder;
  5. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom SPCPA has determined to have legitimate educational interests; and
  6. That SPCPA forwards education records on request to a school in which a student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer and that such records may include suspension and expulsion records pursuant to the federal Every Student Succeeds Act and, if applicable, a student's history of violent behavior.
- B. Notification to Parents or Legal Guardians of Students Having a Primary Home Language Other Than English
- SPCPA shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.
- C. Notification to Parents, Legal Guardians, or Eligible Students Who are Disabled
- SPCPA shall provide for the need to effectively notify parents, legal guardians, or eligible students identified as disabled.

## **XX. Destruction and Retention of Records**

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Destruction and retention of records by SPCPA shall be controlled by state and federal law.

## **XXI. Copies of Policy**

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Copies of this policy may be obtained by parents, legal guardians, and eligible students at SPCPA's main office.

## Legal References

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Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.32, Subd. 5 (Directory Information)  
Minn. Stat. § 13.393 (Attorneys)  
Minn. Stat. Ch. 14 (Administrative Procedures Act)  
Minn. Stat. § 120A.22 (Compulsory Instruction)  
Minn. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)  
Minn. Stat. § 127A.852 (Military-Connected Youth Identifier)  
Minn. Stat. § 144.341-144.347 (Consent of Minors for Health Services)  
Minn. Stat. Ch. 256B (Medical Assistance for Needy Persons)  
Minn. Stat. Ch. 256L (MinnesotaCare)  
Minn. Stat. § 260B.171, Subds. 3 and 5 (Disposition Order and Peace Officer Records of Children)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
Minn. Stat. § 363A.42 (Public Records; Accessibility)  
Minn. Stat. § 480.40 (Personal Information, Dissemination)  
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
10 U.S.C. § 503(b) and (c)  
(Enlistments: Recruiting Campaigns; Compilation of Directory Information)  
18 U.S.C. § 2331 (Definitions)  
18 U.S.C. § 2332b (Acts of Terrorism Transcending National Boundaries)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
20 U.S.C. § 6301 *et seq.* (Every Student Succeeds Act)  
20 U.S.C. § 7908 (Armed Forces Recruiting Information)  
20 U.S.C. § 7917 (Transfer of School Disciplinary Records)  
25 U.S.C. § 5304 (Definitions – Tribal Organization)  
26 U.S.C. §§ 151 and 152 (Internal Revenue Code)  
42 U.S.C. § 1711 *et seq.* (Child Nutrition Act)  
42 U.S.C. § 1751 *et seq.* (Richard B. Russell National School Lunch Act)  
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)  
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)  
42 C.F.R. § 2.1 *et seq.* (Confidentiality of Drug Abuse Patient Records)  
*Gonzaga University v. Doe*, 536 U.S. 273 309 (2002)  
Dept. of Admin. Advisory Op. No. 21-008 (December 8, 2021)

## Cross References

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Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Policy 417 (Chemical Use and Abuse)  
Policy 506 (Student Discipline)  
Policy 519 (Interviews of Students by Outside Agencies)  
Policy 520 (Student Surveys)



## 522 Title IX Sex Nondiscrimination (Includes Grievance Procedure and Process)

### I. Purpose

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The purpose of this policy is to provide a nondiscriminatory and safe environment for all people and to comply with state and federal law.

### II. General Statement of Policy

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

Title IX Coordinator & Human Rights Officer (Students)

Tim Sullivan, Principal & Academic Director  
16 W 5<sup>th</sup> Street #276  
St. Paul, MN 55102  
651-290-2225  
[sullivant@spcpa.org](mailto:sullivant@spcpa.org)

Title IX Coordinator & Human Rights Officer (Personnel & Alternate for Students)

Callie Jacobs, Superintendent  
16 W 5<sup>th</sup> Street #232  
St. Paul, MN 55102  
651-290-2225  
[jacobsc@spcpa.org](mailto:jacobsc@spcpa.org)

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

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

### III. Definitions

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- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to SPCPA's Title IX Coordinator or to any SPCPA employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of SPCPA with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that SPCPA's main office is open for normal operating hours, Monday - Friday, excluding state-recognized holidays).
- D. "Deliberately indifferent" means clearly unreasonable considering the known circumstances. SPCPA is deliberately indifferent only if its response to sexual harassment is clearly unreasonable considering the known circumstances.
- E. "Education program or activity" means locations, events, or circumstances for which SPCPA exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes SPCPA education programs or activities that occur on or off SPCPA property.
- F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that SPCPA investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature or otherwise indicate that the complainant is the person filing the formal complaint and must be submitted to the Title IX Coordinator in person, by mail, or by email.
  2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of SPCPA with which the formal complaint is filed.
- G. "Informal resolution" means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. "Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. "Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- J. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. "Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a SPCPA education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a SPCPA employee (conditioning the provision of an aid, benefit, or service of SPCPA on an individual's participation in unwelcome sexual conduct);
  2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 United States Code, section 1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 United States Code, section 12291).
- L. "Supportive measures" means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minnesota Statutes, section 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas encompassing SPCPA, and other similar measures.
- M. "Title IX Personnel" means any person who addresses, works on, or assists with SPCPA's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
  1. "Title IX Coordinator" means an employee of SPCPA that coordinates SPCPA's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
  2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the decision-maker or the appellate decision-maker. The investigator may be a SPCPA employee, SPCPA official, or a third party designated by SPCPA.
  3. "Decision-maker" means a person who makes the determination regarding responsibility after the investigation has concluded. The decision-maker cannot be the same person as the Title IX Coordinator, the investigator, or the appellate decision-maker.
  4. "Appellate decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The appellate decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a SPCPA employee, or a third party designated by SPCPA.

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

#### IV. Basic Requirements for Grievance Process

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##### A. Equitable Treatment

SPCPA will treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.

SPCPA will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process, and the respondent has been found responsible.

SPCPA will provide appropriate remedies for the complainant any time a respondent is found responsible.

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

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

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

##### D. Confidentiality

SPCPA will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family



Educational Rights and Privacy Act (FERPA), 20 United States Code section 1232g, FERPA regulations, 34 Code of Federal Regulations part 99, Minnesota law under Minnesota Statutes section 13.32, or as required by law, or to carry out the purposes of 34 Code of Federal Regulations part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., SPCPA's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

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

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

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

F. Notice

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

G. Consolidation

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

#### H. Evidence

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

#### I. Burden of Proof

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

#### J. Timelines

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

K. Potential Remedies and Disciplinary Sanctions

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

V. Reporting Prohibited Conduct

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- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of SPCPA who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, SPCPA may report the alleged conduct to law enforcement authorities. SPCPA encourages complainants to report criminal behavior to the police immediately.

## VI. Initial Response and Assessment by the Title IX Coordinator

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

## VII. Status of Respondent during Pendency of Formal Complaint

### A. Emergency Removal of a Student

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

### B. Employee Administrative Leave

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

## VIII. Informal Resolution of a Formal Complaint

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

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

## IX. Dismissal of a Complaint

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

## X. Investigation of a Formal Complaint

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- A. If a formal complaint is received by SPCPA, SPCPA will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.



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

## XI. Determination regarding Responsibility

- A. After SPCPA has sent the investigative report to both parties and before SPCPA has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
1. Identification of the allegations potentially constituting sexual harassment;
  2. A description of the procedural steps taken after receiving the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
  3. Findings of fact supporting the determination;
  4. Conclusions regarding the application of SPCPA's code of conduct to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions SPCPA imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by SPCPA to the complainant; and
  6. SPCPA's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the charter 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.

## **XII. Appeals**

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- A. SPCPA shall offer the parties an opportunity to appeal a determination regarding responsibility or SPCPA's dismissal of a formal complaint or any allegations therein, on the following bases:

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

### **XIII. Retaliation Prohibited**

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- A. Neither SPCPA nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

#### XIV. Training

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

#### XV. Dissemination of Policy

- A. This policy will be made available to all students, parents and guardians of students, and SPCPA employees.
- B. SPCPA will conspicuously post the name of the Title IX Coordinators, including office addresses, telephone numbers, and work e-mail addresses on its website and in each handbook that it makes available to parents, employees, students, or applicants.

- C. SPCPA will provide applicants for admission and employment, students, parents or guardians of secondary school students, and employees of SPCPA, with the following:
1. The names or titles, office addresses, electronic mail addresses, and telephone numbers of the Title IX Coordinators;
  2. Notice that SPCPA does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
  3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to a Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
  4. Notice of SPCPA's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how SPCPA will respond.

## XVI. Recordkeeping

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

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

## Legal References

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Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ("Clery Act"))

## Cross References

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Policy 102 (Equal Educational Opportunity)  
Policy 413 (Harassment and Violence)  
Policy 506 (Student Discipline)  
Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)