

Beacon Program Parent/Student Handbook Appendix

APPROVED POLICIES



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Adopted by WCED School Board on May 20, 2013

413: POLICY AND PROCEDURES PROHIBITING HARASSMENT AND VIOLENCE

PURPOSE

It is the policy of the West Central Education District #6026-61 to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. It shall be a violation of this policy for any pupil, teachers, administrator or other school personnel of the Ed. District to harass a pupil, regarding religion and race as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the District).

The Education District will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

DEFINITIONS

Sexual Harassment Definition:

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

1. submission to that conduct or communication is made a term or condition, whether explicitly or implicitly, of obtaining or retaining employment, or of obtaining and education; or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment or education or:
3. conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creating an intimidating, hostile or offensive employment or education environment.

Sexual harassment may include but is not limited to:

1. unwelcome verbal harassment or abuse;
2. unwelcome pressure for sexual activity
3. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to person or property;
4. unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
5. 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;
6. unwelcome behavior or words directed at an individual because of gender.

Sexual Violence Definition:

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 the Minnesota Statutes Section 60.342, including the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

1. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
2. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
3. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
4. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

Racial or Religious Violence Definition:

Racial violence is a physical act of aggression or assault upon another because of, or in manner reasonably related to race.

Assault Definition:

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.

REPORTING PROCEDURES

Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by a pupil, teachers, administrator or other school personnel of the Ed. District, or any person with knowledge or belief of conduct which may constitute harassment or violence toward a pupil, teachers, administrator or other school personnel should report the alleged acts immediately to the appropriate Ed. District official. In the Beacon Program building the Director is the person responsible for receiving reports of harassment or violence. Any adult Ed. District personnel who receives a report of religious, racial or sexual harassment or violence shall inform the Director immediately. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Director.

Upon receipt of a report, the Support Service Supervisor must notify the Ed. District Director immediately without screening or investigating the report. The Supervisor may request a written complaint. A written statement of the facts alleged will be forwarded as soon as possible by the Supervisor to the Director. If the report was given verbally, the Supervisor shall personally reduce it to written form within 24 hours and forward it to the Director. Failure to forward any harassment or violence report or complaint as provided here in will result in disciplinary action. If the complaint involves the Supervisor, the complaint shall be made to the Director. The Ed. Board designates the Director to receive reports or complaints of the religious racial or sexual harassment or violence. If the complaint involves the Director, the complaints shall be files directly with the School Board Chair. Submission of the good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complaint or reporters future employment, grades or work assignments.

Use of formal reporting forms is not mandatory. The Ed. District will respect the privacy of the complaint, the individual(s) against whom the complaint is files, and the witnesses as much as possible, consistent with the Ed. District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Investigation:

The Director, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence shall be immediately authorize and investigation. The investigation may consist of personal interviews with the complaint, the individual(s) against whom the complaint is filed, and other 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 to determine whether alleged conduct constitutes a violation of this policy. The Director should consider the surrounding circumstances, the nature of the behavior, past incident or past or continuing patterns of behavior, the relationship between the parties involved, and the contact 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.

In addition, the Ed District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged religious, racial or sexual harassment or violence. The investigation will be completed as soon as possible. The Ed. District Director shall make a written report upon completion of the investigation. 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.

School District Action:

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

REPRISAL

The Ed. District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports, alleged religious, racial or sexual harassment or violence or any person 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 or harassment.

Right to Alternative Complaint Procedures:

These procedures do no deny the right of any individual to pursue other avenues or recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statues and/or federal law.

Harassment of Violence as Abuse:

Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota Statue 626.556 may be applicable.

418: DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances without a physician prescription.

General Statement of Policy:

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

DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor.
- B. "Controlled substances" including narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substances as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. 812 including analogues and look-alike drugs.
- C. "Toxic substances" include, glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- D. "Use" includes to sell, buy, distribute, dispense, possess, sue or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- E. "Possess" means to have on one's person, in one's effects or in an area subject to one's control.
- F. "School district location" includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employees are supervising students on behalf of the school district or otherwise engage in school district business.

EXCEPTIONS

- A. It shall not be violation of this policy for a person to bring onto a school location, for such person's own use, a controlled substance which has a currently accepted medical use in treatment in the United States and the person has physician prescription for the substance. The person shall comply with the relevant procedures of this policy.
- A. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is within the exception of Minn. Stat. 624-701, Subd. 1a (experiments in laboratories or pursuant to a temporary license under Minn. Sta. 340A.4044, Subd. 10 and 340A.403, subd 2).

PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The student must provide a copy of the prescription to the school (nurse or other designated staff) to be kept on file, along with other emergency information. It is the responsibility of the student to provide a copy of a renewal after a prescription has expired.
- B. Employees who have a prescription from a physician for medical treatment with controlled substance is permitted to possess such controlled a substance and associated necessary paraphernalia, such as an inhaler or syringe. The employees must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- D. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Director.
- E. Possession of alcohol on school grounds pursuant to the exceptions of Minn.Stat. 624-701, Subd. 1a, shall be by a permission of the school board only. The applicant for permission shall apply in writing and shall follow the school board procedures for placing an item on the agenda.

ENFORCEMENT

- A. Students
 - 1. A student who violates the terms of this policy shall be subject to discipline; in accordance with school districts discipline policy. Such discipline may include suspension or expulsion from school.
 - 2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials where appropriate.
- B. Employees
 - 1. An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, termination or discharge as deemed appropriate by the school board.
 - 2. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who

fails to satisfactorily participate in and complete such a program is subject to non-renewal, suspension or termination as deemed appropriate by the school board.

3. As any condition on employment in any federal grant, each employee who is engaged neither directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above in which work on a school district federal grant it performed, no later than (5) five calendar days after such conviction.
 4. Sanctions against employees, including non-renewal, suspension, termination or discharge shall be pursuant to an accordance with applicable statutory authority, collective bargaining agreement and school district policies.
- C. The Public
A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide and escort.

419: TOBACCO FREE ENVIRONMENT

GENERAL STATEMENT OF POLICY

- A. A violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district, or person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

TOBACCO AND TOBACCO-RELATED DEVICES DEFINED

- A. "Electronic cigarette" means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.
- B. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- C. "Tobacco-related devices" means cigarette papers or pipes for smoking.
- D. "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

EXCEPTIONS

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

ENFORCEMENT

- A. All individuals on school premises shall adhere to this policy.

- B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.
- C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.
- D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.
- F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.
- G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

501: WEAPONS POLICY

GENERAL STATEMENT OF POLICY

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

DEFINITIONS

- A. "Weapon"
 - 1. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; air guns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; 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.
 - 2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
 - 3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.
- B. "School Location" includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the West Central Education District.
- C. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.

EXCEPTIONS

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
 - 1. Active licensed peace officers;
 - 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;

3. persons authorized to carry a pistol under Minn. Stat. § 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
4. persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with § 97B.045;
 - a. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for “antique firearms which are carried or possessed as curiosities or for their historical significance or value.”
 - b. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with §§ 624.714 and 624.715.
5. firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
7. a gun or knife show held on school property;
8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
9. persons who are on unimproved property owned or leased by a child care center, school or West Central Education District unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

While the West Central Education District takes a firm “Zero Tolerance” position on the possession, use or distribution of weapons by students, and a similar position with regard to nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation of the rule against the possession, use or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

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

CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/DISTRIBUTION

- A. The West Central Education District takes a position of “Zero Tolerance” in regard to the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:
 1. immediate out-of-school suspension;
 2. confiscation of the weapon;
 3. immediate notification of police;
 4. parent or guardian notification; and
 5. recommendation to the director of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.
- C. Administrative Discretion
 While the West Central Education District takes a “Zero Tolerance” position on the possession, use or distribution of weapons by students, the director may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS

- A. Employees

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the school board.
 2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and West Central Education District policies.
 3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.
- B. Other Nonstudents
1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to school locations. In addition, if the person is a student in another West Central Education District, that West Central Education District may be contacted concerning the policy violation.
 2. If appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the school location.

502: SEARCH OF A STUDENT

GENERAL STATEMENT OF POLICY

- A. Lockers and Personal Possessions Within a Locker
Pursuant to Minnesota statutes, school lockers are the property of the West Central Education District. At no time does the West Central Education District relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.
- B. Desks
School desks are the property of the West Central Education District. At no time does the West Central Education District relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.
- C. Personal Possessions and Student's Person
The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.
- D. It shall be a violation of this policy for students to use lockers and desks for unauthorized purposes or to store contraband. It shall be a violation for students to carry contraband on their person or in their personal possessions.

DEFINITIONS

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

PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of a student and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.
- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.
- F. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The West Central Education District shall provide a copy of this policy to a student when the student is given use of a locker.

DIRECTIVES AND GUIDELINES

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

SEIZURE OF CONTRABAND

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

VIOLATIONS

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

506: STUDENT DISCIPLINE (see www.wced6026.com for detailed description of the policy)

Procedure for removal of a student from a class: Students will be directed to leave the classroom to a designated area by a staff member. A staff member will be present during this transition. When the student refuses to transition to the designated area, when possible, other students will be removed from the setting. If it is not possible for the other students to change settings or if the student is in danger of hurting self or others, CPI transport will be implemented by certified staff as a last resort.

Responsibility for and custody of a student removed from class: Staff will be with a student at all times when they are removed from a class for disciplinary actions.

Procedure for return of a student to a class from which the student was removed: After the student has demonstrated self-control, they will likely return to their schedule. At times, it may be necessary to process the situation and make restitution prior to returning to their schedule.

Procedure for notification: Notifications of such incidents will be documented on daily point sheets and/or behavior summaries shared with parents/guardians via phone call attempt and summarized in due process reports. When restrictive procedures are implemented, staff will follow the established rules including monitoring, documenting, training, and notification requirements. Further details regarding restrictive procedures can be found on the district website: www.wced6026.com

Disabled students; special provisions: Special provisions are provided in the modification section of the IEP's for student. Interventions might also be summarized in a Behavior Support Plan or Behavior Intervention Plan.

Procedures for detecting and addressing chemical abuse problems of students while on school premises: Administrative notification, confiscation, law enforcement notification, and probation officer notification when applicable, disciplinary action based on administration decision (possible suspension).

Procedures for immediate and appropriate interventions tied to violations of the code of school conduct: Social Skills instruction, level system, loss of privileges, and restitution

Any procedures determined appropriate for encouraging early involvement of parents/guardians in attempts to improve a student's behavior: documentation on daily point sheet that is sent home to parents/guardians daily or progress note if student is not using a daily point sheet. Communication may also include parent phone calls.

Any procedures determined appropriate for encouraging early detection of behavioral problems: Notes on daily point sheet or progress notes, possible parent phone call

514: BULLY PROHIBITION POLICY

PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The West Central Education District cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the West Central Education District and the rights and welfare of its students and is within the control of the West Central Education District in its normal operations, it is the West Central Education District's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the West Central Education District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

GENERAL STATEMENT OF POLICY

- A.** An act of bullying, by either an individual student or group of students, is expressly prohibited on West Central Education District property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the West Central Education District or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the West Central Education District by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off West Central Education District property and/or with or without the use of West Central Education District resources.
- B.** No teacher, administrator, volunteer, contractor, or other employee of the West Central Education District shall permit, condone, or tolerate bullying.
- C.** Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D.** Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E.** False accusations or reports of bullying against another student are prohibited.
- F.** A person who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with West Central Education District's policies and procedures. The West Central Education District may take into account the following factors:
 - a. The development and maturity levels of the parties involved;
 - b. The levels of harm, surrounding circumstances, and nature of the behavior;
 - c. Past incidences or past or continuing patterns of behavior;
 - d. The relationship between the parties involved; and
 - e. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate bullying or engage in an up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not limited to, exclusion from West Central Education District property and events and/or termination of services and/or contracts.

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

DEFINITIONS

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

- A. “Bullying” means any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to one or more students and which substantially interferes with another student’s or students’ educational benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct by a student against another student that a reasonable person under the circumstances knows or should know has the effect of:
 - a. Harming a student;
 - b. Damaging a student’s property;
 - c. Placing a student in reasonable fear of harm to his or her personal property; or creating a hostile educational environment for a student.
- B. “Immediately” means as soon as possible but in no event longer than 24 hours.
- C. “On West Central Education District property or at school-related functions” means all West Central Education District buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for West Central Education District purposes, the area of entrance or departure from school grounds, or trips. West Central Education District property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the West Central Education District does not represent that it will provide supervision or assume liability at these locations and events.

REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate West Central Education District official designated by this policy. A student may report bullying anonymously. However, the West Central Education District’s ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The West Central Education District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the West Central Education District office, but oral reports shall be considered complaints as well.
- C. The building principal or the principal’s designee or the building supervisor is the person responsible for receiving reports of bullying at the building level. Any person may report bullying directly to a West Central Education District human rights officer or the director.
- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building principal immediately.
- E. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- F. Submission of a good faith complaint or report of bullying will not affect the complainant’s or reporter’s future employment, grades, or work assignments, or educational or work environment.
- G. The West Central Education District will respect the privacy of the complainant (s), the individual (s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the West Central Education District’s obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

WEST CENTRAL EDUCATION DISTRICT ACTION

- A. Upon receipt of a complaint or report of bullying, the West Central Education District shall undertake or authorize an investigation by West Central Education District officials or a third party designated by the West Central Education District.
- B. The West Central Education District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.
- C. Upon completion of the investigation, the West Central Education District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. West Central Education District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; West Central District policies; and regulations.
- D. The West Central Education District is not authorized to disclose to a victim private educational or personal data regarding an alleged perpetrator who is a student or employee of the West Central Education District. School officials will notify the parent (s) or guardian (s) of students involved in a bullying incident and the remedial action take, to the extent permitted by law, based on a confirmed report.

REPRISAL

The West Central Education District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the West Central Education District who retaliates against any person who makes

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

515: RECORDS/PUBLIC NOTICE (See www.wced6026.com for detailed description of this policy)

PURPOSE

West Central Education District No. 6026 gives notice to parents of students currently in attendance in the West Central Education District, and eligible students currently in attendance in the West Central Education District, of their rights regarding pupil records.

GENERAL STATEMENT OF POLICY

1. Parents and eligible students are hereby informed that they have the following rights:
 - a. That a parent or eligible student has a right to inspect and review the student's education records. A parent or eligible student should submit to the West Central Education District a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect. The parent or eligible student will be notified of the time and place where the records may be inspected;
 - b. That the parent 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. A parent or eligible student may ask the West Central Education District to amend a record that they believe is inaccurate or misleading. The request shall be in writing, identify the item the parent or eligible student 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 parent or eligible student wishes the West Central Education District to make. The request shall be signed by the parent or eligible student. If the West Central Education District decides not to amend the record as requested by the parent or eligible student, the West Central Education District will notify the parent or eligible student of the decision and advise him or her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;
 - c. That the parent 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 disclosures without consent;
 - d. That the West Central Education District may disclose education records to other school officials within the West Central Education District if the West Central Education District has determined they have legitimate educational interests. For purposes of such disclosure, a "school official" is a person employed by the West Central Education District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or other employee; a person serving on the school board; a person or company with whom the West Central Education District has consulted to perform a specific task (such as an attorney, auditor, medical consultant, therapist, public information officer, or data practices compliance official); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or any individual assisting a school official in the performance of his or her tasks. A school official has a "legitimate educational interest" if the individual needs to review an education record in order to fulfill his or her professional responsibility and includes, but is not limited to, an interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare and the ability to respond to a request for educational data;
 - e. That the West Central Education District forwards education records on request to a school or post-secondary educational institution 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, including information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, suspension and expulsion information pursuant to section 7165 of the federal No Child Left Behind Act and any disposition order which adjudicates the student as delinquent for committing an illegal act on West Central Education District property and certain other illegal acts;
 - f. That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the West Central Education District to comply with the requirements of 20 U.S.C. § 1232g and the rules promulgated thereunder. The name and address of the office that administers the Family Education Rights and Privacy Act is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

- g. That the parent or eligible student has a right to obtain a copy of the West Central Education District's policy regarding the protection and privacy of pupil records; and
 - h. That copies of the West Central Education District's policy regarding the protection and privacy of school records are available upon request.
2. Pursuant to applicable law, West Central Education District No. 6026 hereby gives notice to parents of students and eligible students in grades 11 and 12 of their rights regarding release of information to military recruiting officers and post-secondary educational institutions. The West Central Education District must release the names, addresses, 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. Data released to military recruiting officers under this provision may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military and cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

SHOULD THE PARENT OF A STUDENT OR THE ELIGIBLE STUDENT SO DESIRE, ANY OR ALL OF THE LISTED INFORMATION WILL NOT BE DISCLOSED TO MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS WITHOUT PRIOR CONSENT.

IN ORDER TO REFUSE THE RELEASE OF THIS INFORMATION WITHOUT PRIOR CONSENT, THE PARENT OR ELIGIBLE STUDENT MUST MAKE A WRITTEN REQUEST TO THE RESPONSIBLE AUTHORITY BY THE FIRST DAY OF SCHOOL EACH YEAR, OR WHEN ENROLLED. THIS WRITTEN REQUEST MUST INCLUDE THE FOLLOWING INFORMATION:

- (1) NAME OF STUDENT AND PARENT, 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 WITHOUT PRIOR CONSENT;
- (7) SPECIFIC CATEGORY OR CATEGORIES OF DIRECTORY INFORMATION WHICH ARE NOT TO BE RELEASED TO THE PUBLIC, INCLUDING MILITARY RECRUITING OFFICERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS.

Notice: Refusal to release the above information to military recruiting officers and post-secondary educational institutions alone does not affect the school district's release of directory information to the public, including military recruiting officers and post-secondary educational institutions. In order to make any directory information about a student private, the procedures contained in the Directory Information section of this notice also must be followed. If you do not want your child's or eligible student's directory information released to military recruiting officers or post-secondary educational institutions, you also must notify the school district that you do not want this directory information released to any member of the public, including military recruiting officers and post-secondary educational institutions.

522: STUDENT SEX NONDISCRIMINATION

PURPOSE

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

GENERAL STATEMENT OF POLICY

- A. The school district provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
- B. It is the responsibility of every school district employee to comply with this policy.
- C. The school board hereby designates WCED Director, Douglas H. Millaway, 903 State Rd. Sauk Centre, MN 56378 – (320)352-6120 x15, as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district human rights officer or to the superintendent.
- B. In Each School Building. The building supervisor is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building supervisor immediately.
- C. Upon receipt of a report or grievance, the supervisor must notify the school district human rights officer immediately, without screening or investigating the report. The building supervisor may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the supervisor to the human rights officer. If the report was given verbally, the supervisor shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the supervisor. If the complaint involves the building supervisor, the complaint shall be made or filed directly with the director or the school district human rights officer by the reporting party or complainant.
- D. The school board hereby appoints its Title IX coordinator as the school district human rights officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the school board chair.
- E. The school district shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

INVESTIGATION

- A. By authority of the school district, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the

relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the director upon completion of the investigation. If the complaint involves the director, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

SCHOOL DISTRICT ACTION

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

REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

524 INTERNET ACCEPTABLE USE AND SAFETY POLICY

PURPOSE

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

GENERAL STATEMENT OF POLICY

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

LIMITED EDUCATIONAL PURPOSE

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

USE OF SYSTEM IS A PRIVILEGE

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

UNACCEPTABLE USES

- A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:
1. Users will not use the school district system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
 2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
 3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
 4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
 5. Users will not use the school district system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
 6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
 - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with Policy 515; or
 - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with Policy 515.In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as “MySpace” and “Facebook.”
- 7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person’s account, or use computer accounts, access codes, or network identification other than those assigned to the user. Messages and records on the school district system may not be encrypted without the permission of appropriate school authorities.
- 8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person’s property without the person’s prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
- 9. Users will not use the school district system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate disclosure shall be to the employee’s immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

FILTER

All computers equipped with Internet access and available for student use at each school site will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.

CONSISTENCY WITH OTHER SCHOOL POLICIES

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

LIMITED EXPECTATION OF PRIVACY

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

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

INTERNET USE AGREEMENT

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

LIMITATION ON SCHOOL DISTRICT LIABILITY

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

USER NOTIFICATION

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

PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

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

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

IMPLEMENTATION; POLICY REVIEW

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

526: HAZING

PURPOSE

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 district and are prohibited at all times.

GENERAL STATEMENT OF POLICY

1. No student, teacher, administrator, volunteer, contractor or other employees of the school district shall plan, direct, encourage, aid or engage in hazing.
2. No teacher, administrator, volunteer, contractor or other employees of the school district shall permit, condone or tolerate hazing.
3. Apparent permission of consent by a person being hazed does not lessen the prohibitions contained in this policy.
4. The policy applies to behavior that occurs on or off school property and during and after school hours.
5. A person who engages in an act that violates school policy or law in order to be initiated into a affiliated with a student organization shall be subject to discipline for that act.
6. The Ed. District will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employees of the school district who is found to have violated this policy.

DEFINITIONS

“Hazing” means committing an act against a student, or coercing a student into committing an act that creates a substantial risk of harm to a person, in order or the student to be initiated into or affiliated with a student organization, or any other purpose.

The term hazing includes, but is not limited to:

1. Any type of physical brutality such as a whipping, beating, striking, branding, electronic shocking or placing harmful substance on the body.
2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco products or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that Subjects a student to extreme mental stress, embarrassment, shame or humiliation that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

“Student organization” means group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

REPORTING PROCEDURES

- a. Any person who believes he or she has been a victim of hazing or any person with knowledge or belief or conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy.
- b. The Supervisor is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to the Supervisor.
- c. Teachers, administrators, volunteers, contractors, and other employees of the school district shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report, observes, or has knowledge, or belief of conduct which may constitute hazing shall inform the Supervisor immediately.
- d. Submission of good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades or work assignments.

WEST EDUCATION DISTRICT ACTION

Upon receipt of a complaint or report of hazing, the Ed. District shall undertake or authorize an investigation by Ed. District officials or a third party designated by the Ed. District. The Ed. District may take immediate steps, at its discretion, to protect the complainant, reporter, students or other pending completion of an investigation of hazing.

Upon completion of the investigation, the Ed. District will take appropriate action. Such action may include, but is not limited to: warning, suspension, exclusion, transfer remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to deter violation and to appropriately discipline prohibited behavior. Education District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fail Dismissal Act, school policies and regulations.

REPRISAL

The Education District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employees of the school district who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.