

# **WEST CENTRAL AREA LEARNING CENTER**

## **Albany-Melrose-Paynesville-Sauk Centre**

Welcome to the West Central Area Learning Center. Our school was established by the West Central Education District to meet the needs of a large variety of individuals. The education, safety, and security of all that attend are vital to us. We have students attending from our four cooperative school districts: Albany, Melrose, Paynesville, Sauk Centre and others. It is our intention that all students cooperate in making this an environment in which they can learn and grow both intellectually and socially.

West Central Area Learning Center's objective is to provide and maintain an alternative education plan for students to complete their education. Please feel free to contact us if you have any questions concerning the ALC or your student.

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### **West Central Area Learning Center Information**

Phone number:	(320) 256-7836	<i>The West Central Area Learning Center</i>
Fax Number:	(320) 256-7812	<i>strives to adhere to all due process</i>
Address:	Area Learning Center 9 W 2nd St. So. Melrose, MN 56352	<i>required by State and Federal Laws.</i>

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### **West Central ALC Staff**

Karol Bischoff-Klug	Senior High Instructor	kbk@meltel.net
Barbara Aanstad	Middle Level Instructor	barba@meltel.net
Dave Norling	Senior High/Special Ed Instructor	dnorling@meltel.net
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Carol Middendorf	Instructional Assistant	vcalc@meltel.net
Becky Hiltner	Instructional and Program Assistant	wcalcmel@meltel.net
Doug Millaway	Executive Director	doug_millaway@isd.743.k12.mn.us

**We reserve the right to make appropriate changes at anytime.**



## **SPONSORSHIP**



We at the West Central Area Learning Center, together with our student's sponsors, wish to produce and promote a productive learning environment and create positive relationships with our students.

### **Who is required to have a sponsor?**

Each student attending West Central ALC is **required** to have an **active sponsor** for the school year. Sponsorship Agreements must be signed for students to be considered "enrolled."

### **What is a sponsor?**

A sponsor is an individual who assumes responsibility for and supports a student during a period of instruction. This is the person who is contacted on student progress and concerns.

### **Who is eligible to be a sponsor?**

Selected individuals must be 18 years or older, be someone the student respects and listens to, and who has the student's best interest at heart. Example: parent, guardian, brother, sister, grandparents, aunt, uncle, girlfriends, etc.

## **ALC CONTRACT AND COMMITMENT**



**This ALC Student Learning Plan has been developed with the agreement of the student, their sponsor, the student's home district, and the ALC staff. All participants recognize that parts of the plan may be adjusted to the student's future needs. Above all, the student recognizes that in order to stay active in this program, progress must be shown toward the goals that are set by this plan.**

Upon official entry at the ALC, students, along with their district and sponsor, (see included explanation of sponsor, page 2) determine their attendance and work commitment to the ALC. These goals are documented and commonly referred to as their "Learning Plan" or "Contract." Each student is responsible to maintain their commitment according to their written Learning Plan and will be expected to work toward the completion of their goals. Each student's attendance, seat hours, and behavior will be carefully monitored to measure the progress in fulfilling their Contract or Learning Plan.

## **CREDITS/GRADUATION and DIPLOMAS**

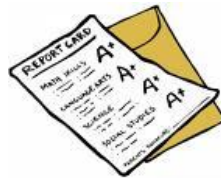


Students need to be aware of your home school graduation criteria. Students may earn a diploma from their home school when they meet all the requirements of the home district. All plans need to be referred back to the home district of choice to clarify the student's graduation agenda.

Passing Classes: Hours are credited upon successful completion of course requirements.

Failed Classes: Failing a class results in hours being forfeited.

## **REPORT CARDS/PROGRESS REPORTS**



The Area Learning Center uses letter grades, percentiles and the rubric system to explain levels of student attainment.

Typically, student progress reports will be sent the 3<sup>rd</sup> and 6<sup>th</sup> week of each quarter to sponsors of students who need some type of special attention. These reports do not necessarily mean that a student is failing, but that a deficiency is noted that needs correction.

Students who fail multiple classes may be evaluated as to whether the Area Learning Center matches their learning style. Their status at the Area Learning Center will be reviewed to see if continued enrollment is warranted.

## **ASSESSMENTS**



Various assessments are available for all students attending the ALC. Assessments will be given to students to determine their current level of academic performance. In addition, all students attending the ALC will also be required to participate in statewide testing. Remediation classes are required for failed portions of the state testing. Times and dates for these classes will be posted in the office.

## EXTRA HELP

You may always seek help from your teachers. Arrange a conference with your teacher before or after school or at a time convenient to both of you. A teacher may request students to stay after school on occasion if it is apparent the student is having difficulties with his/her work or is not completing assigned work. This is not to be thought of as a punishment, but rather a desire of the teacher to help the student progress academically. Special education services are available to students.

## SUPPLIES

Students are required to bring their own notebooks, pens, #2 pencils, and folders. Students are responsible for their own supplies. Pens, pencils, folders and note books are available for purchase in the office before and after school.

**Electronic Devices:** Need to be placed in designated areas in each classroom. Students may use them appropriately at designated times. Staff reserves the right to remove the device should it interrupt the learning environment.

## COLLEGE VISITS



Juniors and seniors may visit post-secondary campuses without being marked absent. Seniors are allowed two days per year; juniors are allowed one day per year. Students will need to bring a signed note the following day from the visiting school verifying what time you were there. Students in poor academic and behavioral standing will not be excused to go. Prior written approval from sponsor is needed at least 3 days schools days prior to visit.

## TRANSPORTATION

Students riding district transportation are subject to local district policies. If student loses bus privileges they are still obligated to attend school. Students who ride the bus/van to school must ride the bus/van home from school unless written permission is provided to ALC staff by 9:00am from sponsor. Students are not allowed to use district transportation services other than that provided by their own home district.

Transportation contract will be enforced until sponsor provides written notification on the change. Student drivers are expected to park in school parking lot and follow MN laws regarding safe driving practices.

## **DAILY SCHEDULE**



School will be open from 8:00AM to 4:00 PM, Monday through Friday. Classes begin at 8:30 and end at 2:15. Lunch break is from 12:00 – 12:30 PM for Jr. and Sr. High. Students are expected to return to class by the designated starting times.

Upon arrival each day, the student is required to pick up a time sheet. The time sheet keeps track of each student's progress hour by hour. It must be filled out by the student and initialed by a staff/teacher each hour and turned in at the close of the day. A designated area will be provided to assist in management of student's personal papers. Students are responsible for their timesheets.

## **LUNCH**

Lunch break is from 12:00 – 12:30. Area Learning Center policy allows open lunch for students 16 years old and older and meeting academic and behavior expectations with sponsor permission.

Hot lunches are offered through Melrose High School. Current menus and prices are posted each week. Free or reduced lunches are available for those who qualify. All students are encouraged to apply for free and reduced lunches as it benefits our school district. Applications are in the intake folder. Return completed forms to the Area Learning Center office. Breakfast and lunches need to be ordered and paid for by 9:00am.

Students do have the option of bringing their own lunch. A refrigerator and microwave are available for student use.

## **SNACKS**

Vending machines may be used during break time only. Make sure you have the correct change for the vending machines. No credit will be extended to those forgetting to bring money. Please make sure you pick up your own wrappers and cans to ensure continuation of this service. Facilities for recycling pop cans and plastic are available throughout school. Each teacher has the ability to rescind the rights to food in their classroom at anytime.

**NO FOOD OR DRINK IS ALLOWED AROUND THE COMPUTERS!**

## **MEDICATIONS**



### **Nonprescription/over-the-counter (OTC) medications:**

The school will not provide OTC medications. If used, OTC medications must be in the original bottle with official container label and directions. The student's name will be legibly placed on a label in

permanent marker, attached to the bottle, not obstructing drug name, dose, official instructions, or expiration date. Parents will sign a permission form for school staff to administer OTC medication.

### **Prescription medications:**

The administration of prescription medication at school requires a completed signed request from the student's parent. A "Prescription Medication Administration" form must be completed annually and/or when a change in prescription or requirements for administration occurs. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label. Prescription medications are not to be carried by the student, but will be left in the office. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler, and medications administered as noted in a written agreement between the school and the parents or as specified in an individual health plan.

All medication will be kept in a locked box in the office.

## **EMERGENCY CARDS/ACCIDENTS**



It is required that all students must have a completed emergency card file in ALC office. Any changes to this information are the responsibility of the parent/guardian or student.

Students should report all accidents to the staff if they are injured in the classroom, the school building, or school grounds. If medical attention is needed parents or guardians will be notified. All incidents will be documented by completing an accident report.

## **EMERGENCY SCHOOL CLOSING**



School closing because of inclement weather will be announced over KASM (1150 AM), KMSR (94.3 FM), WCCO (830 AM), KCLD, TV stations, KCCO, KSAX. The ALC will mirror all weather-related directions that are announced for **Melrose School District**. (Ex: Melrose calls a 2hr. late start then also ALC also has a 2hr. late start)

**\*\*\*Please be aware that West Central School is not the West Central Area Learning Center.\*\*\***

## **VISITORS AND WALK-INS**

All visitors need to stop in the office, sign in and get a visitors' pass.

## PLEDGE OF ALLEGIANCE



In accordance with the state law, the Pledge of Allegiance will be recited weekly. Students choosing not to participate need not do so, but they must be respectful during the pledge. Students must respect another person's right to make that choice.

## DRILLS



### **Fire Drills**

The signal for a fire drill is a continuous blast of the fire alarm system. Everyone must leave the building. Close doors as you leave. Wait until 'all clear' signal from staff before re-entering.

### **Lock Down Drills**

The signal for a lock down drill is an announcement over the walkie talkie. There are two types of lock down drills that are used:

In a "soft lock down," everyone must be in a locked room and no one should leave the room until directed to do so by school personnel/and or law enforcement. No one should be allowed to enter a secured room. Phones may be used by staff and teachers. Teachers should continue teaching.

In a "hard lock down," everyone must be located away from doors and windows. Everyone must be in a locked room. No one should leave the room until directed to do so by school personnel/and or law enforcement. No one should be allowed to enter a secured room and phones should not be used. Lights should be turned off and the room should be quiet. Teaching should not occur.

### **Tornado Drills**

The signal for a tornado drill will be announced over the walkie talkie. When you reach your shelter area, sit on the floor with your hands covering your head. An "all clear" announcement will be given when you are to return to your classrooms.

### **Evacuation Drills**

The signal for an evacuation drills is an announcement over the walkie talkie. Everyone must report to the pre-designated evacuation site in an orderly manner, with his/her class. Keep away from dangerous situations. Return to the classroom when instructed to do so.

## **BEHAVIOR POLICY**



West Central Area Learning Center has been established to meet the needs of a large variety of individuals. The safety and security of all who attend is vital in providing a quality educational environment for all students. The purpose of the following Policy and Rules of Conduct is to clearly state our expectations of student's behavior and penalties for violations of the rules.

Students are entitled to fair treatment and recognition of their rights and privileges. In return, students are expected to pursue a suitable course of study, comply with the rules and follow the lawful authority of the school staff. The mutual aim of the school staff and students should be to create a sense of community where everyone is respectful of the rights of others and all may develop to their fullest potential.

Students will earn privileges based upon their behavioral and academic performance.

## **TOBACCO FREE GROUNDS**



West Central Area Learning Center 6026 is a tobacco free school district. This means that the use of any tobacco product will not be allowed by anyone on any school grounds. This includes the parking lot.

## **SCHOOL AUTHORITY**



All employees of West Central Area Learning Center have the responsibility and obligation to enforce school regulations. The director, teachers, secretaries, assistants and fellow students have the right to correct you if you are violating school rules.

## **PERSONAL POSSESSIONS**

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.

It shall be a violation for students to carry contraband on their person or in their personal possessions.

## STUDENT CLOTHING GUIDELINES

Student appearance and/or dress are to be in good taste at all times. Extremes in dress are not considered appropriate. Student dress or appearance which interferes with the teaching or learning function is not acceptable.

Clothing (shirts, hats, or other) that contain profanity or slogans which are degrading to any group, or which promote alcohol, or other drugs, will not be tolerated. Grooming or dress that prevents a student from doing his/her best work because of blocked vision, restricted movement, or clothing which exposes them or any other students to danger is not acceptable.

- girls' skirts or shorts should not be higher than the top of the knee cap. (e.g., no higher than the width of a paper dollar bill.)
- girl's tops or shirts should not have a low neckline; or cause distraction for others
- visible underwear is not acceptable
- no open back tops or spaghetti straps
- students are not to wear pants which hang low and expose their underwear

Students who violate any of the above listed guidelines will be required to change to clothes that meet these guidelines. A second violation will result in a written disciplinary report.

## ATTENDANCE

The Area Learning Center staff knows that classroom attendance and academic success are directly related. The following attendance procedure is an effort to assure academic success. The staff intends this procedure to be positive and not punitive.

Class attendance is a joint responsibility to be shared by the student, parent or sponsor and the school personnel. This procedure will assist the students in attending class.

**Student Responsibility:** The responsibility of the student is to be on time with proper materials, and attend each scheduled class/class activity ready to participate. Instructional and learning opportunities lost through absence from class may not be retrievable.

**Parent/Sponsor Responsibility:** It is the responsibility of the parent or sponsor to encourage their son/daughter to attend school, and work cooperatively with the school and student to solve any attendance problem that may arise.

**Teacher Responsibility:** It is the teacher's responsibility to maintain an accurate attendance record, hold each student accountable for his/her attendance, and communicate attendance concerns to parent/sponsor and administration and work cooperatively with the parent or sponsor and the student in developing acceptable attendance patterns.

**Administrator Responsibility:** It is an administrative responsibility to encourage students to attend all classes. It is also the responsibility of the administration to inform the parent or guardian of excessive absences, and oversee any truancy petitions.

Attendance alone does not earn a student credit!

If a student cannot make it to school, he/she must notify school via telephone by 8:30. Mid level students are required to have parents/sponsors call on their behalf. If no call is received by 8:30 it is unexcused. Upon returning to the Area Learning Center a note is required to document absences. No note results in unexcused absences.

Unexcused absences: You will be assigned after school detention.

Tardy: When students have 3 unexcused tardies he or she will be assigned after school detention.

## **TRUANCY**

**GET AN EDUCATION**



**STAY IN SCHOOL**

West Central Area Learning Center School follows the guidelines of the Stearns County Truancy Mediation Program for resolving truancy matters.

### Continuing Truant

“Continuing Truant” refers to a child who is subject to the compulsory instruction requirements for section 120A.22 and is absent from instruction in a school, as defined in section 120A.05, without valid excuse within a single school year for three or more class periods on three days if the child is in middle or high school.

Upon a child’s initial classification as a “continuing truant,” the school shall notify the child’s parent or legal guardian, by first-class mail or other reasonable means, of the following:

1. that the child is truant;
2. that the parent or guardian should notify the school if there is a valid excuse for the child’s absences;
3. that the parent of guardian is obligated to compel the attendance of the child at school pursuant to section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 120A.34;
4. that this notification serves as the notification by section 120A.34;
5. that alternative services may be available
6. that the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child’s truancy;
7. that if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260.C;
8. that if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child’s driving privilege pursuant of section 260.C201;
9. That is recommended that the parent or guardian accompany the child to school and attend classes with child for one day.

When students have 5 unexcused absences, the school will notify the County Attorney requesting a first

letter be sent to the child and/or the child's parent(s). The County Attorney will send a letter to the child and/or the parent(s) and mail a copy of the letter to the school authority that sent the letter.

### **HABITUAL TRUANT**

A "habitual truant" is a child under the age of 16 years who is absent from school without lawful excuse for one or more class periods on seven school days per school year. A student who is 17 years of age or younger who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school. The school shall refer a habitual truant and the child's parent or legal guardian to appropriate services and procedures, under chapter 260A. The school sends a letter to the County Attorney requesting mediation.

### **A SAFE AND SECURE ENVIRONMENT**

**Respect:** Show respect for teachers, staff, other students, other people, the building and materials you are using, the Melrose community, and all other outlying communities.

**Insubordination:** Is defined as a failure to obey any reasonable request from a staff member. Insubordination will always be treated seriously and could be grounds for disciplinary action.

- A) All forms of harassment, abuse, insubordination, or violence among or by students whether by action, spoken words, written words, pictures, sounds, or other form of communication will not be tolerated. This includes, but is not limited to, all forms of religious, sexual, and racial harassment and violence.
- B) Examples of insubordination, harassment, abuse, or violence include, students who endanger the health and safety of others in any manner will be subject to discipline. Examples of behaviors that endanger the health and safety of others include, but are not limited to:

Name calling	Back talk	Fire starting
Non compliance	Littering	Bullying
Vandalism	Stepping up to others	Possession/use of weapons
Fighting	Gang Involvement	
Group confrontations/posturing/heckling/grandstanding		
Violent or sexually explicit pictures/drawings		
Any sexually motivated unwelcome touching		
Close imitations of swear words or gestures		
Possession/use/distribution of alcohol or other illegal or controlled substances like tobacco, rubber cement, white out, and aerosol paint.		

## **SAFETY AND RESPECT**

Students' right to privacy concerning their school records will be protected and any disclosure of confidential information from the student's permanent record shall be consistent with legal requirements.

Students have a responsibility not to endanger the health, safety, or rights of others in their dress or personal property.

Students have a right to use school property, equipment, books, and materials, but only for their intended use.

Staff reserves the right to inspect backpacks and purses.

Students violating this section of the code will be subject to discipline.

## **WEAPONS POLICY**



1. **Purpose:** The purpose of this policy is to ensure a safe school environment for students, staff and the public.
2. **General Statement of Policy:** No student or non-student, including adults and visitors, shall possess, or distribute a weapon when in a school location.
3. **Definitions**
  - A. **Weapon**
    1. A “weapon” (m.s., section 609.02 subd. 6) 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; cigarette lighters; stun guns; ammunition; poisons; chains; bows; arrows; laser pointers; and objects that have been modified to serve as a weapon.
    2. No student 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; and any object that is a facsimile of a real weapon.

3. No student shall use articles designed for other purposes (i.e., belts, combs, pens, 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

School location includes a school building, school grounds, and school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, and the area of entrance or departure from school premises or events, and school-related functions.

#### C. Possession

“Possession” means having a weapon on one’s person in an area subject to one’s control in a school location. A student who finds a weapon on the way to school or in the school building, 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.

### 4. Consequences for Weapons Possession/Use/Distribution

The school district and school take a position of addressing each case individually 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. confiscation of the weapon
2. committee review
3. immediate notification of police
4. parent or guardian notification
5. committee recommendation
6. suspension
7. recommendation to the director of dismissal not to exceed one year

#### **Administrative Discretion:**

While the school district and the school wish to address each case individually, it takes a firm position on the possession, use or distribution of weapons by students. The superintendent 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.

Anyone observing a weapon of any kind in school, on school grounds, on a school bus, or at school-sponsored events should immediately report it to a supervisor, counselor, teacher or administrator. Students in possession of a weapon will be dealt with in accordance with Education District Policy and subject to local law enforcement.

## **RULE VIOLATIONS**

A level system is implemented to provide privileges based on level of independence observed during the school day. Instruction is provided to assist students in gaining independence. We reserve the right to determine the potential severity of a given situation. Staff will make every effort to assist the student with their behavior by providing appropriate guidance, counsel and action. West Central Area Learning Center will cooperate with all local and state law enforcement agencies.

Students will be consequence for rule violations.

## **REMOVAL OF STUDENTS FROM CLASS**

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 school district employee to prohibit a student from attending a class or activity period for a period of time 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 school district employees, the student or other students, or the property of the school;
3. Willful violation of any school 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.

If a student is removed from class more than ten (10) times in a school year, the school district 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.

## **SUSPENSIONS AND EXPULSIONS**

**In-school Suspension.** Students who are on in-school suspension may not leave the building and will be under the supervision of staff at all times while on ISS status.

**Out of School Suspension.** Whenever a student is placed on Out of School Suspension status, a meeting between the student, sponsor, WCALC administrator or designee and referring teacher is required upon re-entry. At this meeting, conditions for re-entry will be established and become part of the student's Learning Plan.

**Automatic Expulsion.** There are certain rule violations, which mandate automatic and immediate expulsion from the WCALC. 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.

This does not necessarily exclude a student from attending the ALC who has been expelled from any other school district.

## **DUE PROCESS**

The appropriate staff in rules violation cases will administer special education due process requirements. There may be alternative consequences for students having an active Individual Educational Plan and any action taken will be consistent with the IEP. In certain situations staff will convene to discuss appropriateness of disciplinary actions and make modifications.

## **NONDISCRIMINATION**

It is the policy of the West Central Education District not to discriminate on the basis of race, color, creed, religion, gender, national origin, age, marital status, disability, and status with regard to public assistance or in its educational programs or employment policies as required by Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act of 1973, Title IX (1972 Education Amendments), and Section 504 of the Rehabilitation Act of 1973.

The District will identify, evaluate and provide an appropriate public education to learners who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973.

Inquiries regarding compliance with Title IX, Section 504, or the Americans with Disabilities Act should be directed to the respective Director of the West Central Education District, 903 State Road, Sauk Centre, MN, or to the office for Civil Rights, U.S. Department of Education, Washington, DC.

# **STUDENT RIGHTS AND RESPONSIBILITIES REGARDING CONDUCT**

## **1. Student Rights**

- a.) The board of education recognizes that students are entitled to the civil liberties guaranteed all citizens. One of the primary goals of public education is to prepare students to successfully complete the transition from school into the general society in which they live, and to accept the responsibility commensurate with the rights and privileges they have and those they will assume.
- b.) The district shall provide an environment in which students may exercise the rights and privileges of the society in which they will live, with its proportional amount of responsibility.
- c.) Students have the right to freely express ideas, 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.
- d.) Students have the right to be safe and free from threatening situations on school property, at school activities, and in district vehicles.

## **2. Student Responsibilities**

Student responsibilities include:

- a) Regular attendance
- b) Conscientious effort in school work and activities
- c) Respect for the rights of other students, school staff, and school visitors
- d) Adherence to and cooperation in upholding local, state, and national laws, and district and school rules and regulations.
- e) Students share with the administration and staff, the responsibility of establishing and maintaining a safe, stimulating and productive environment.

## **3. Student Behavior and Discipline**

- a) Discipline is a learning experience which:
  - 1. sets behavioral limits and guidelines to lead students to and through adulthood
  - 2. develops individual respect for law, authority, property, and the rights of others and self
  - 3. develops a mature individual capable of self-control and direction
- b) Disciplinary efforts are to be as positive as possible and are to include recognizing and strengthening appropriate behavior.

- c) The district is responsible for safeguarding the health and safety of each student, making reasonable rules and regulations governing student behavior and conduct, and maintaining proper control and discipline. To carry out this responsibility, district employees are expected to deal with students fairly and honestly and to treat all students with courtesy and respect.
- d) In establishing the proper learning environment, with proper control and discipline, the general maturation of the students involved must be considered. Within this context, district officials must protect the health and well being of all students while safeguarding individual rights.
- e) Students are expected to behave in accordance with federal, state, and local laws and rules and district and school policies and regulations, and in a way that respects the rights and safety of others. Corrective action, to discipline a student and/or modify a student's behavior, will be taken by the staff when a student's behavior does not fall within these parameters.
  - 1. Actions which may be used by district staff to discipline students and/or encourage them to modify their behavior include but are not limited to: student conference, parent or guardian notification, parent or guardian conference, fine, restitution, detention, removal from class, dismissal from school, suspension, exclusion, expulsion, referral to law enforcement authorities, and recommendation of alternative community services.
  - 2. The use of corporal punishment is not permitted. Corporal punishment is defined as inflicting physical hurt upon a child in order to punish her or him for misconduct.
  - 3. When an incident occurs in which one or more students have been physically or emotionally harmed by the misbehavior of other student(s), district staff shall be sensitive to the need to provide support to the victim(s) and to inform their parents about the incident.
- f) Physical Restraint
  - 1. In certain instances, it may become necessary for staff members to use physical restraint to provide a safe environment for students. Reasonable force may be used on a student without her or his consent when used by an administrator teacher or other staff member in the exercise of lawful authority to restrain or correct such a student. Special care shall be taken with students with disabilities to follow any guidelines for physical restraint which may be written into their Individual Educational Plan (IEP).
  - 2. Physical restraint may be used by staff members:
    - (a) to quell a disturbance threatening injury to others;
    - (b) to obtain possession of weapons or other dangerous objects upon a person or within the control of a student

- (c) or within the control of a student for self defense
- (d) to protect other persons and/or property
- (e) to direct the movement or actions of a student to avoid undue or deliberate disruption of the classroom or others parts of the school
- (f) to protect an individual from his or her own actions. Such acts shall not be construed to constitute corporal punishment within the meaning and intent of this policy.
- (g) The policies in sections IIIA – IIID.2 above will be adjusted as required by federal and state laws and regulations and by the student's Individual Education Plan (IEP), for special education students.

## **CONCERNING HARASSMENT AND VIOLENCE**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The West Central Education District prohibits any form of religious, racial or sexual harassment and violence.

### **II. GENERAL STATEMENT OF POLICY**

- A. It is the policy of the West Central Education District to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The West Central Education District prohibits any form of religious, racial or sexual harassment and violence.
- B. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the West Central Education District to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)
- C. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the West Central Education District to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.
- D. The West Central 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.

### III. **RELIGIOUS, RACIAL AND SEXUAL HARASSMENT AND VIOLENCE DEFINED**

#### A. **Sexual Harassment; Definition**

1. 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:
  - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
  - 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. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.
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 pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
  - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of gender.

#### B. **Racial Harassment; Definition**

Racial harassment consists of physical or verbal conduct relating to an individual's race 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. Religious Harassment; Definition**

Religious harassment consists of physical or verbal conduct which is related to an individual's religion 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 otherwise adversely affects an individual's employment or academic opportunities.

**D. Sexual Violence; Definition**

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

**E. Racial Violence; Definition**

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

**F. Religious Violence; Definition**

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

**G. 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.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the West Central Education District, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate West Central Education District official designated by this policy. The West Central Education District encourages the reporting party or complainant to use the report form available from the principal/coordinator of each building or available from the West Central Education District office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a West Central Education District human rights officer or to the Executive Director.
- B. In Each School Building. The building principal/coordinator is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence at the building level. Any adult West Central Education District personnel who receives a report of religious, racial or sexual harassment or violence shall inform the building principal/coordinator immediately.
- C. Upon receipt of a report, the principal must notify the West Central Education District human rights officer immediately, without screening or investigating the report. The principal/coordinator 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 principal/coordinator to the human rights officer. If the report was given verbally, the principal/coordinator shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the principal/coordinator. If the complaint involves the building principal/coordinator, the complaint shall be made or filed directly with the Executive Director or the West Central Education District human rights officer by the reporting party or complainant.

- D. In the District. The school board hereby designates the Executive Director as the West Central Education District human rights officer(s) to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent of a member school.<sup>1</sup>
- E. The West Central Education District shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence 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 West Central Education 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 West Central Education District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

## V. INVESTIGATION

- A. By authority of the West Central Education District, the human rights officer, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by West Central Education District officials or by a third party designated by the West Central Education 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 West Central Education 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.

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<sup>1</sup> In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

- D. In addition, the West Central Education 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.
- E. The investigation will be completed as soon as practicable. The West Central Education District human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, 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.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon receipt of a report, 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. West Central Education District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and West Central Education District policies.
- B. The result of the West Central Education District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the West Central Education District in accordance with state and federal law regarding data or records privacy.

## **VII. REPRISAL**

The West Central Education District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who makes a good faith report of alleged religious, racial or sexual harassment or violence 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 harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **VIII. 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.

## **IX. HARASSMENT OR VIOLENCE AS ABUSE**

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.

- B. Nothing in this policy will prohibit the West Central Education District from taking immediate action to protect victims of alleged harassment, violence or abuse.

**X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This policy shall be given to each West Central Education District employee and independent contractor at the time of entering into the person’s employment contract.
- C. This policy shall appear in the student handbook.
- D. The West Central Education District will develop a method of discussing this policy with students and employees.
- E. The West Central Education District may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed periodically for compliance with state and federal law.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)  
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 525 (Violence Prevention)

**SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, AND STUDENT’S PERSON**

**I. PURPOSE**

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the West Central Education District’s policies against contraband.

**II. 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.

### **III. 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.

- E. “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.

#### **IV. 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.

#### **V. 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.

#### **VI. 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.

## **VII. 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.

**Legal References:** U. S. Const., amend. IV  
Minn. Const., art. I, § 10  
*New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)  
Minn. Stat. § 121A.72 (School Locker Policy)

**Cross References:** MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)  
MSBA/MASA Model Policy 501 (School Weapons)  
MSBA/MASA Model Policy 506 (Student Discipline)

## **TOBACCO-FREE ENVIRONMENT**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

### **II. GENERAL STATEMENT OF POLICY**

- A. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the West Central Education District, or person to smoke or use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a West Central Education 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 West Central Education District property and all off-campus events sponsored by the West Central Education District.
- B. It shall be a violation of this policy for any elementary school, middle school, or secondary school student to possess any type of tobacco or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a West Central Education 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 West Central Education District property and all off-campus events sponsored by the West Central Education District.

- C. The West Central Education 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.

### **III. TOBACCO AND TOBACCO RELATED DEVICES DEFINED**

- A. “Tobacco” means cigarettes; 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, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- B. “Tobacco-related devices” means cigarette papers or pipes for smoking.
- C. “Smoking” means inhaling 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.

### **IV. EXCEPTION**

It shall not be a violation of this policy for an Indian adult to light tobacco on West Central Education 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.

### **V. ENFORCEMENT**

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to West Central Education District discipline procedures.
- C. West Central Education District administrators and other school personnel who violate this tobacco-free policy shall be subject to West Central Education District discipline procedures.
- D. West Central Education District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and West Central Education District policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other West Central Education 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.

## **VI. DISSEMINATION OF POLICY**

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

**Legal References:** Minn. Stat. § 144.413, Subds. 1b and 4 (Definitions)  
Minn. Stat. § 144.416 (Responsibilities of Proprietors)  
Minn. Stat. § 144.4165 (Tobacco Products Prohibited in Public Schools)  
Minn. Stat. § 144.417 (Commissioner of Health, Enforcement, Penalties)  
Minn. Stat. § 609.685 (Sale of Tobacco to Children)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

## **BULLYING PROHIBITION POLICY**

### **I. 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.

### **II. GENERAL STATEMENT OF POLICY**

- A. An act of bullying, by either an individual student or a 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:
  - 1. The developmental and maturity levels of the parties involved;
  - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
  - 3. Past incidences or past or continuing patterns of behavior;
  - 4. The relationship between the parties involved; and
  - 5. The context in which the alleged incidents occurred.

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

- F. 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.

### **III. 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:
  - 1. harming a student;
  - 2. damaging a student’s property;
  - 3. placing a student in reasonable fear of harm to his or her person or property; or
  - 4. 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, premises, or events, and all school-related functions, school-sponsored activities, events, 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.

### **IV. REPORTING PROCEDURE**

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate 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.

#### **V. 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 Education District policies; and regulations.
- D. The West Central Education District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the 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 taken, to the extent permitted by law, based on a confirmed report.

## **VI. 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.

## **VII. TRAINING AND EDUCATION**

- A. The West Central Education District annually will provide information and any applicable training to West Central Education District staff regarding this policy.
- B. The West Central Education District annually will provide education and information to students regarding bullying, including information regarding this West Central Education District policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.
- C. The administration of the West Central Education District is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.
- D. The West Central Education District may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

## **VIII. NOTICE**

The West Central Education District will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)  
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 423 (Employee-Student Relationships)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 507 (Corporal Punishment)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Videorecording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

## **HAZING PROHIBITION**

### **I. 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 West Central Education District and are prohibited at all times.

### **II. GENERAL STATEMENT OF POLICY**

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the West Central Education District shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the West Central Education District shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. This policy applies to behavior that occurs on or off school property and during and after school hours.
- E. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- F. The West Central Education 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 employee of the West Central Education District who is found to have violated this policy.

### **III. DEFINITIONS**

- A. “Hazing” means committing an act against a student, or coercing a student into

committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.
  2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
  5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of West Central Education District policies or regulations.
- B. “Student organization” means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

#### **IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate West Central Education District official designated by this policy.
- B. The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to a West Central Education District human rights officer or to the Executive Director.
- C. Teachers, administrators, volunteers, contractors, and other employees of the West Central Education District shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute hazing shall inform the building principal immediately.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter’s future employment, grades, or work assignments.

## **V. SCHOOL DISTRICT ACTION**

- A. Upon receipt of a complaint or report of hazing, 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 hazing.
- 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 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 Education District policies and regulations.

## **VI. 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 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.

## **VII. DISSEMINATION OF POLICY**

This policy shall appear in each school's student handbook and in each school's Building and Staff handbooks.

**Legal References:** Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.69 (Hazing Policy)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])