

RIGHTS, RULES, AND REGULATIONS

2016-2017 PROCEDURAL CODE

THIS DOCUMENT IS FOR
PARENTS/GUARDIANS,
STUDENTS, AND STAFF
OF ROCHESTER
PUBLIC SCHOOLS.

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Rochester
Public Schools

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Our mission is to inspire, challenge, and empower all students with the knowledge and skills required to reach their full potential, to contribute to future generations, and to become involved members of a global community.

Welcome

Independent School District #535 - Rochester Public Schools welcomes you. In addition to educating your child, it is our responsibility to provide a **safe learning environment** in which all students may develop to their potential. We invite and expect parents to also become involved in the education of their children. The School District intends that this booklet will clearly define rights, rules, regulations, and guidelines in order to promote the consistent and fair treatment of all students in an atmosphere of open communication. Throughout this booklet, **references to the word *parent* also include a student's legal guardian.**

School Board policies may change throughout the year. School Board policy updates and changes overrule this handbook. For the most current policy statement, please check the web site at <http://www.rochester.k12.mn.us>, in the Superintendent's Office, or at the principal's office.

Student Attendance

(For more information, see School Board Policy 503)

The School District expects and requires full-time attendance. Every child between the ages of 7 and 17 shall receive instruction for at least the time required under Minnesota Statutes 120A.22. Any child under 18 years of age who is habitually truant from one or more class periods or seven school days will be referred to the County Department of Social Services or other appropriate agency. Students leaving during the school day must be signed out in the school office by their parent and/or have administrative approval. Parents must contact the attendance office of the school their student is attending if they would like their student excused. The following reasons shall be sufficient to constitute **excused absences**:

1. Illness.
2. Serious illness in the student's immediate family.
3. A death or funeral in the student's immediate family or of a close friend or relative.
4. Medical, dental, or orthodontic treatment, or a counseling appointment. Documentation may be required.
5. Court appearances occasioned by family or personal action.
6. Religious instruction not to exceed three hours in any week.
7. Physical emergency conditions such as fire, flood, storm, etc.
8. Official school field trip or other school-sponsored outing.
9. Removal of a student pursuant to a suspension. Suspensions are to be handled as excused absences and students will be permitted to complete make-up work.
10. Family Emergencies.
11. Active duty in any military branch of the United States.
12. A student's condition that requires on-going treatment for mental health diagnosis.
13. Religious holidays.
14. Family vacations.
15. College Visits.

The following are examples of **absences which will not be excused**:

1. Truancy. An absence by a student which was not approved by the parent and/or the School District.
2. Any absence in which the student failed to comply with any reporting requirements of the School District's attendance procedures.
3. Work at home.
4. Work at a business, except under a school-sponsored work release program
5. Any other absence not included under the attendance procedures unless special permission is given by the principal

In the event the District determines a student's absence for any reason to be excessive and negatively impacting the students learning, the District may call a meeting with the student's parent/guardian to develop an action plan.

Student Dress and Appearance

(For more information, see School Board Policy 504)

The policy of this School District is to encourage students to dress appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the student's parent(s) or guardian(s).

Appropriate clothing includes, but is not limited to, the following:

1. Clothing appropriate for the weather
2. Clothing that does not create a health or safety hazard
3. Clothing appropriate for the activity (i.e., physical education or the classroom)

Inappropriate clothing includes, but is not limited to, the following:

1. Clothing bearing a message that is lewd, vulgar, or obscene
2. Apparel promoting products or activities that are illegal for use by minors
3. Objectionable emblems, badges, symbols, signs, words, objects, or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in School Board Policy 413 Harassment and Violence
4. Any apparel or footwear that would damage school property

Hats or caps are not allowed to be worn in the building except with the approval of the building principal (e.g., student undergoing chemotherapy; medical situations).

Procedures

- A. When, in the judgment of the administration, a student's appearance, grooming, or mode of dress interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.
- B. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians.
- C. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to the administration for approval.

Student Rights & Student Responsibilities

(For more information, see School Board Policy 506 Student Discipline)

All students **have the right** to:

1. a free and appropriate education
2. a safe learning environment
3. be informed of the District's rules and regulations
4. due process and equal protection in any dismissal proceeding resulting in suspension, exclusion, or expulsion

All students **have the responsibility**:

1. for their behavior and for knowing and obeying all School District rules, regulations, policies, and procedures
2. to attend school daily, except when excused, and to be on time to all classes and other school functions
3. to pursue and attempt to complete the courses of study prescribed by the state and local school authorities
4. to make necessary arrangements for making up work when absent from school
5. to assist the school staff in maintaining a safe school for all students
6. to be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to

- conduct themselves in accord with them;
- 7. to assume that until a rule or policy is waived, altered or repealed, it is in full force and effect
- 8. to be aware of and comply with federal, state and local laws
- 9. to volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate
- 10. to respect and maintain the School District's property and the property of others
- 11. to dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable School District policy
- 12. to avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language
- 13. to conduct themselves in an appropriate physical or verbal manner; and
- 14. to recognize and respect the rights of others

Students will follow all reasonable rules, directions, instructions, and requests from teachers, student teachers, substitute teachers, paraprofessionals, principals, or other authorized School District personnel during any period of time when they are properly under the authority of School District personnel.

Code of Student Conduct

(For more information, see School Board Policy 506 Student Discipline)

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

The following are **examples of unacceptable behavior** subject to disciplinary action by the School District. These examples are not intended to be an exclusive list. Any student who engages in any of these activities will be disciplined in accordance with this policy. This policy applies to all School District buildings, grounds, and property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for School District purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. School 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 unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the School District or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of School District property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism.
2. The use of profanity or obscene language, or the possession of obscene materials.
3. Gambling, including, but not limited to, playing a game of chance for stakes.
4. Violation of the School Board Policy 526 Hazing Prohibition.
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission.
6. Violation of the School Board Policy 503 Student Attendance.
7. Opposition to authority using verbal statements or physical force or violence.
8. Using, possessing, or distributing tobacco or tobacco paraphernalia.
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances.
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student.
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia.

12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects.
13. Violation of the School Board Policy 501 Weapons Prohibition.
14. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon.
15. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive.
16. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.
17. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school.
18. Violation of any local, state or federal law as appropriate.
19. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats.
20. Violation of the School Board policy 524 internet Acceptable Use and Safety Policy.
21. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones.
22. Violation of school bus or transportation rules or the School District's Student Transportation Safety Policy 709.
23. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property.
24. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker.
25. Violation of School Board Policy 502 Search of Student Lockers, Desks, Personal Possession, and Student's Person.
26. Violation of School Board Policy 527 Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches.
27. Possession or distribution of slanderous, libelous or pornographic materials.
28. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors; or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
29. Criminal activity.
30. Falsification of any records, documents, notes, or signatures.
31. Tampering with, changing, or altering records or documents of the School District by any method including, but not limited to, computer access or other electronic means.
32. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end.
33. Impertinent or disrespectful language toward teachers or other School District personnel.
34. Violation of the School Board Policy 413 Harassment and Violence.
35. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other School District personnel, or other persons.
36. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment.
37. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure.
38. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people.
39. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist.
40. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation.
41. Violation of the School Board Policy 505 Distribution of Non-school-Sponsored Materials on School Premises by Students and Employees.
42. Violation of school rules, regulations, policies, or procedures.
43. Other acts, as determined by the School District, which are disruptive of the educational process or

dangerous or detrimental to the student or other students, School District personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the School District or the safety or welfare of students or employees.

Disciplinary Action Options

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

1. Student conference with teacher, principal, counselor or other School District personnel, and verbal warning
2. Confiscation by School District personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any School District policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation
3. Parent/guardian contact
4. Parent/guardian conference
5. Removal from class
6. In-school suspension
7. Suspension from extracurricular activities
8. Detention or restriction of privileges
9. Loss of school privileges
10. In-school monitoring or revised class schedule
11. Referral to in-school support services
12. Referral to community resources or outside agency services
13. Financial restitution
14. Referral to police, other law enforcement agencies, or other appropriate authorities
15. A request for a petition to be filed in district court for juvenile delinquency adjudication
16. Out-of-school suspension under the Pupil Fair Dismissal Act
17. Preparation of an admission or readmission plan
18. Saturday school
19. Expulsion under the Pupil Fair Dismissal Act
20. Exclusion under the Pupil Fair Dismissal Act
21. Other disciplinary action as deemed appropriate by the School District

Student Lockers

(For more information, see School Board Policy 502)

Pursuant to Minnesota Statutes, school lockers are the property of the School District. At no time does the School District relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by School District officials for any reason at any time, without notice, without student consent, and without a search warrant. In addition, occasional canine narcotic searches may be conducted. The personal possessions of students within a school locker will be searched only when School District 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 District officials will provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or School District officials.

Student Use and Parking of Motor Vehicles – Patrols, Inspections, and Searches

(For more information, see School Board Policy 527)

Students generally are not permitted to use motor vehicles during the school day in any school district location. Students may use motor vehicles on the high school campus[es] during the school day only if there is an emergency and permission has been granted to the student by the principal or principal's designee to use a motor vehicle. Students are permitted to use motor vehicles in school district locations outside of the school day only on the high school campus[es].

Student use of **motor vehicles on high school campuses** is permitted as follows:

1. During the school lunch hour if they have earned "open campus lunch privilege"
2. For students involved in school-to-work programs
3. For students attending the University Center Rochester (UCR) or the Health Sciences Career Center (HSCC) for a partial day
4. When there is an emergency and/or permission has been granted to the student by a School District official

Student parking of **motor vehicles in School District locations**:

1. Students are permitted to park in a School District location as a matter of privilege, not of right. Students driving a motor vehicle to a high school campus may park the motor vehicle in the parking lot designated for student parking only. Students will not park vehicles in driveways, on private property, or in **other designated areas, e.g., parking lots designated for use only by staff or by the general public.**
2. When there are unauthorized vehicles parked on School District property, School District officials may:
 - A. Move the vehicle or require the driver or other person in charge of the vehicle to move it off School District property
 - B. If unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off School District property

School District officials may conduct routine patrols of School District locations and routine inspections of the exteriors of the motor vehicles of students. In addition, the interiors of motor vehicles of students in School District locations may be searched when School District officials have a reasonable suspicion that the search will uncover a violation of law and/or School District policy or rule. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

A. Patrols and Inspections

School officials may conduct routine patrols of student parking lots and other School District locations and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

B. Search of Interior of Student Motor Vehicle

The interiors of motor vehicles of students in School District locations, including glove or trunk compartments, may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to withdrawal of parking privileges and to discipline if the student refuses to open a locked motor vehicle under the student's control or its compartments upon the request of a school official.

C. Prohibition of Contraband and Interference with Patrols, Inspections, Searches and/or Seizures

A violation of this policy occurs when students store or carry contraband in motor vehicles in a School District location or interfere with patrols, inspections, searches and/or seizures.

D. Seizure of Contraband

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

Participation in Extracurricular Activities

(For more information, see School Board Policy 510)

Students who participate in Minnesota State High School League (MSHSL) activities must comply with the District "Eligibility Guidelines for High School Athletics & Arts" and the rules set forth by MSHSL. The guidelines set forth by the School District will, at a minimum, correspond with MSHSL. The District may impose stricter rules and penalties as noted in the annually updated "Eligibility Guidelines for High School Athletics & Arts." It will be the responsibility of the Superintendent, or designee, to review MSHSL rules and School District eligibility guidelines annually. A copy of the Minnesota State High School League rules and regulations may be obtained from the Activities Director.

Weapons Prohibition

(For more information, see School Board Policy 501)

No student or nonstudent, including adults and visitors, will possess, use or distribute a weapon when in a school location, including student vehicles, except as provided in this policy. The School 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.

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; rifles, pistols, stun guns; all knives; blades; clubs; metal knuckles; numchucks (nunchaku); throwing stars; explosives; any combustible or flammable liquid, fireworks; tear gas, mace and other propellants; ammunition; poisons; chains, including those attached to clothing; arrows; and objects that have been modified to serve as a weapon.

No person will possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments will 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.

No person will use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm or intimidate. Such use will be treated as the possession and use of a weapon.

Violations may result in the following:

1. Implementation of the Building Discipline Plan
2. Immediate suspension from school
3. Immediate implementation of the expulsion process. In some instances, referral to law enforcement and the criminal justice/juvenile justice system may occur at the discretion of the School District

Tobacco-Free Environment

(For more information, see School Board Policy 419)

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 school 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 District personnel, or person who is found to have violated this policy.
- D. The School District will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The School District will not promote or allow promotion of tobacco products or e-cigarettes on school property or at school-sponsored events.

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 mean, 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 and 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 and the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device.

Enforcement

- A. All individuals on School District premises will adhere to this policy.
- B. Students who violate this tobacco-free policy will be subject to School District discipline procedures.
- C. School District administrators and other School District personnel who violate this tobacco-free policy will 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.

Drug-Free Workplace / Drug-Free Schools

(For more information, see School Board Policy 418)

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, and controlled substances without a physician's prescription.

General Statement of Policy

- A. Use of controlled substances, toxic substances, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other School District personnel, or member of the public uses alcohol, toxic substances, or controlled substances in any school location.
- 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 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" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- D. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, handle, transport, barter, deliver, exchange, give away, or attempt to sell 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 location" includes any school building or on any school premises; in 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 employee is supervising students on behalf of the School District or otherwise engaged in School District business.

Exceptions

- A. A violation of this policy does not occur when a person brings 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 a physician's prescription for the substance. The person will comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).
- C. It will not be a violation of this policy for a legal adult to possess an alcoholic beverage as part of a District-sponsored Community Education class or event that is held off of School District property.

Procedures

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the School District's student medication policy.
- B. Employees 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 employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the School District's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Superintendent.
- F. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, will be by permission of the School Board only. The applicant will apply for permission 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 will be subject to discipline in accordance with the School District's discipline policy. Such discipline may include suspension or expulsion from school.
 - 2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.
- B. Employees
 - 1. As a condition of employment in any federal grant, each employee who is engaged either 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 on which work on a School District federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
 - 2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the School Board.
 - 3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the School District. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the School Board.
 - 4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and School District policies.
- C. The Public

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

Hazing Prohibition

(From School Board Policy 526)

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 School District and are prohibited at all times.

II. General Statement of Policy

- a. No student, teacher, administrator, volunteer, contractor, or other employee of the School District shall plan, direct, encourage, aid, or engage in hazing.
- b. No teacher, administrator, volunteer, contractor, or other employee of the School 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. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- e. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- f. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.
 - 1. Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
 - 2. Consequences for employees who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.
 - 3. Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to, exclusion from school district property and events and/or termination of

services and/or contracts.

- g. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- h. 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.
- i. The School 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 School 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 school-related 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, trashing, 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 School District policies or regulations.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "On school premises or school district property, or at school functions or activities, or on school transportation" means all school 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 school 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. School 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 hazing at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- D. "Remedial response" means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.
- E. "Student" means a student enrolled in a public school or a charter school.
- F. **"Student organization"** means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

IV. Reporting Procedures

- A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate School District official designated by this policy. A person may report hazing anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The School District encourages the reporting party to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
 - 1. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult school district personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to the District Human Right's Officer or to the Assistant Superintendent. If the complaint

involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the School District Human Rights Officer by the reporting party of complainant.

2. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- C. A teacher, administrator, volunteer, contractor, and other school employees shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such person who witnesses, observes, receives a report of, ~~observes~~, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. School District personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporters' future employment, grades, or work assignments, or educational or work environment.
- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.
- F. The School 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 School District's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. School District Action

- A. Within three (3) days of the receipt of a complaint or report of hazing, the School District shall undertake or authorize an investigation by School District officials or a third party designated by the School District.
- B. The building report taker or other appropriate school district officials may take immediate steps, at ~~the~~ their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students, or others pending completion of an investigation of alleged hazing prohibited by this policy.
- C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines hazing has occurred, the school 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. School 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; and applicable school district policies, and regulations.
- E. The school 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 school district. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

VI. Retaliation or Reprisal

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing, or 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, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to

the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

VII. Dissemination of Policy

- A. A summary of this policy will be printed in the Rights, Rules, Regulations, and Procedural Code of the Rochester Public Schools which is distributed to all students and staff at the beginning of the school year. This policy will also be available on the District website and upon request in each principal's office.
- B. The School District will develop a method of discussing this policy with students and employees.

Bullying Prohibition

(For more information, see School Board Policy 514)

General Statement of Policy

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on School 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 School 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 School District by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off School District property and/or with or without the use of School District resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the School 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 School District's policies and procedures. The School 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
 - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses to positive behavioral interventions up to and including suspension and/or expulsion or referral to police or other law enforcement agencies. The School District shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the School District, and foster student, parent, and community participation.

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

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

- G. The School District will act to investigate all complaints of bullying reported to the School District and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School 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 intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 - 1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 - 2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.The term "bullying," specifically includes cyberbullying as defined in this policy
- B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. "Immediately" means as soon as possible from the time of report, but in no event longer than 48 hours.
- D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
 - 1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property.
 - 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 - 3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identify or expression, academic status related to student performance, disability or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "On school premises, on School District property, at school functions or activities, or on school transportation" means all School 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 School 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. School 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 School District does not represent that it will provide supervision or assume liability at these locations and events.
- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. "Remedial response" means a measure to stop or correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- H. "Student" means a student enrolled in a public school or a charter school.

Reporting Procedure

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate School District official designated by this

policy. A person may report bullying anonymously. However, the School District may not rely solely on an anonymous report to determine discipline or other remedial responses.

- B. The School District encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the School District office, but verbal reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor hereinafter the "building report taker" is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to the Assistant Superintendent or School District Human Rights Officer or the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the School District Human Rights Officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individual as appropriate.

- 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 witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School District personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private education and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or report's future employment, grades, work assignments, or education or work environment.
- G. The School 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 School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

Harassment and Violence

(From School Board Policy 413)

I. Purpose

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

II. General Statement of Policy

- A. The policy of the School District is to maintain a learning and working environment that is free from harassment, and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The School District prohibits any form of harassment, or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other School District personnel harasses a student, teacher, administrator, or other School District personnel or group of students, teachers, administrators, or other School District personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as

defined by this policy. (For purposes of this policy, school District personnel includes School Board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the District.)

- C. A violation of this policy occurs when any student, teacher, administrator, or other School District personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other School District personnel or group of pupils, teachers, administrators, or other School District personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. The School District will act to investigate all complaints, either formal or informal, verbal or written, of harassment, or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other School District personnel who is found to have violated this policy.

III. Definitions

- A. "Assault" is:
 - 1. an act done with intent to cause fear in another of immediate bodily harm or death;
 - 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
 - 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
 - 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
 - 1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities.
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 - 2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 - 3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 - 4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 - 5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 - 6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
 - 7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent

acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment; Definition

1. Sexual harassment 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
 - 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
 - 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 student(s) by teachers, administrators, or other School District personnel to avoid physical harm to persons or property
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status
 - f. unwelcome behavior or words directed at an individual because of gender

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

G. Violence; Definition

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

IV. Reporting Procedures

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator, or other School District personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other School District personnel or group of students, teachers, administrators, or other School District personnel should report the alleged acts immediately to an appropriate School District official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the School District may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The School District encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the School District office, but oral reports shall be considered complaints as well.

- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a School District human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the School District human rights officer by the reporting party or complainant.
- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult School District personnel who receives a report of harassment or violence prohibited by this policy will inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the School District human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the School District human rights officer immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint.
 1. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward formal harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. In the District. The School Board hereby designates the Executive Director of Human Resources or designee as the School District human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint will be filed directly with the Superintendent.
- H. The School District will conspicuously post the name of the human rights officer(s), including mailing addresses, and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The School 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 School District's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.
 1. Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
 2. Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.
 3. Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or

termination of services and/or contracts.

V. Investigation

- A. By authority of the School District, the human rights officer, within three (3) day of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by 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 target or victim, the complainant, and students, teachers, administrators or other School District personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. The School District human rights officer will 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 will 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 completion of an investigation that determines a violation of this policy has occurred, 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. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable School District policies and regulations.
- B. The School 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 School District. School officials will notify the parent(s) or guardian(s) or targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VII. Retaliation or Reprisal

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

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 School 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 students and staff members.
- B. This policy shall be given to each School District employee and independent contractor who regularly interacts with students at the time of initial employment with the School District.
- C. This policy shall appear in the student handbook.
- D. The School District will develop a method of discussing this policy with students and employees.
- E. The School 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 will be reviewed at least annually for compliance with state and federal law.

Internet Acceptable Use and Safety Policy

(For more information, see School Board Policy 524)

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

- d. 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 are responsible for complying with School District password security procedures. 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 (except by appropriate School District authorities for legal compliance).
 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 use of the Internet when off School District premises also may be in violation of this policy as well as other School District policies. 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 cancelation 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 will immediately disclose the inadvertent access to an appropriate School District official. In the case of a School District employee, the immediate disclosure will 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.
- D. Any student or School District employee who witnesses unacceptable use of the Internet is encouraged to report this unauthorized use to the appropriate School District official.

Filter

- A. With respect to any of its computers with Internet access the School District will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- D. An administrator, supervisory, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- E. The School District will educate students about appropriate online behavior, including interacting with other individual on social networking websites and in chat rooms and cyberbullying awareness and response.
- F. Defeating or bypassing the filtering technology is also a violation CIPA (Children's Internet Protection Act, [Federal Act, 2000]).

Consistency with Other School Policies

Use of the School District computer system and use of the Internet will 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/Guardians have the right at any time to investigate or review the contents of their child's files

and e-mail files. Parents/Guardians 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. 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 Minnesota Statutes, Chapter 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/guardians, 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 student. 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 will be attached to the original agreement.
- D. In lieu of the Internet Use Agreement Form, the District may use a pop-up window requiring students and employees to accept the terms and conditions as stated in the Internet Use Agreement before access will be granted to the user.

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.

Transportation Eligibility

(For more information, see School Board Policy 707)

- A. Upon the request of a parent or guardian, the School District will provide transportation to and from school, at the expense of the School District, for all resident students who reside two miles or more from the school to which they are assigned, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student's parent or guardian. If circumstances change during the school year, the student's parent/guardian will contact the Transportation office for reinstatement of voluntary bus privileges. Students must also demonstrate competency in school bus safety (detailed in Policy 709 II. B.) to be eligible for school transportation by the School District. [Minn. Stat. § 123B.88, subd. 1]
- B. The School District may, at its discretion, provide transportation to students residing at a distance less than that required by state statute. That distance is stated in School Board Policy 707 Transportation of Public School Students, along with other transportation guidelines (e.g. hazardous walking areas, crossing guards, etc.). The School District may also provide transportation to any student to and from school, at the expense of the School District, for any other purpose deemed appropriate by the School Board.
- C. The eligibility distance is determined by the shortest walking distance from the front service walk or driveway in front of the student's home to the nearest driveway or sidewalk entrance to the school to which the student is assigned. The distance will be computed by computer using a one to one scale map. An automobile odometer is not acceptable as an accurate mileage measuring device.
- D. The parent/guardian may designate by a signed, written request a child-care facility, respite care

facility, the residence of a relative, or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet other eligibility requirements.

- E. Homeless students shall be provided with transportation services comparable to other students in the school district. (42 U.S.C. § 11432(e)(3)(C)(i)(III)(cc) and (g)(4)(A)).

Conduct on School Buses and Consequences for Misbehavior

(For more information, see School Board Policy 709)

- A. Riding the school bus is a privilege, not a right. The School District's general student behavior rules are in effect for all students on school buses; including nonpublic and charter school students. Consequences for school bus/bus stop misconduct will be imposed by the School District under the adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the School District's Transportation Safety Director. Serious misconduct may be reported to local law enforcement.
- B. **School Bus and Bus Stop Rules.** The School District school bus safety rules are to be posted on every bus. If these rules are broken, the School District's discipline procedures are to be followed. In most circumstances, consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the School District Building Administrators.
1. Rules at the Bus Stop
 - a. Get to your bus stop five minutes before your scheduled pick up time. The school bus driver will not wait for late students.
 - b. Respect the property of others while waiting at your bus stop.
 - c. Keep your arms, legs, and belongings to yourself.
 - d. Use appropriate language.
 - e. Stay away from the street, road, or highway when waiting for the bus.
 - f. Wait until the bus stops before approaching the bus.
 - g. After getting off the bus, move away from the bus.
 - h. If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
 - i. No fighting, harassment, intimidation, or horseplay.
 - j. No use of alcohol, tobacco, or drugs.
 2. Rules on the Bus
 - a. Immediately follow the directions of the driver.
 - b. Sit in your seat facing forward.
 - c. Talk quietly and use appropriate language.
 - d. Keep all parts of your body inside the bus.
 - e. Keep your arms, legs, and belongings to yourself.
 - f. No fighting, harassment, intimidation, or horseplay.
 - g. Do not throw any object.
 - h. No eating, drinking, or use of alcohol, tobacco, or drugs.
 - i. Do not bring any weapons or dangerous objects on the school bus.
 - j. Do not damage the school bus.
 - k. No spitting.
 3. **Consequences.** Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co-curricular and extracurricular events (for example, field trips or competitions) will be at the sole discretion of the School District. Parents or guardians will be notified of any suspension of bus privileges.
 - a. **Elementary and Secondary (Pre-K-12)**
 - 1st offense—warning or may include bus suspension up to and including loss of bus riding privileges
 - Further offenses – may include progressive bus suspensions up to and including loss of bus riding privileges
 - Serious violations of Policy 506 Student Discipline, Section VII. Student Code of

- Conduct may result in implementation of higher level consequences.
 - Other Discipline. Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.
- b.
 - Records. Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the School District to local law enforcement and the Department of Public Safety in accordance with state and federal law.
- c.
 - Vandalism/Bus Damage. Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within two weeks may result in the loss of bus privileges until damages are paid.
- d.
 - Notice. School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.
- e.
 - Criminal Conduct. In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate School District personnel and local law enforcement officials will be informed.
- f.

Procedural Code for Dealing With Alleged Violations of School District Rules, Regulations, or Policies

(For more information, see the Pupil Fair Dismissal Act, Minnesota Statute 121A.40 to 121A.56, and School Board Policy 506)

A teacher, principal, or other administrative personnel, who observes any behavioral problem of a student which disrupts educational activities, shall make an effort to contact the parent by a telephone call, letter, or a personal visit. In all instances, written documentation regarding the behavioral incident and subsequent parent communication will be submitted to the principal and become part of the student's educational file. Whenever a student is sent to the principal because of inappropriate behavior, the parent may be called at the discretion of the principal. Parents are encouraged to work with School District personnel to prevent recurrence of situations and to plan steps to change or modify a student's behavior.

Following investigation of an alleged violation of the rules of the classroom or other misconduct by a student, the principal or his/her designee will determine the necessity of taking appropriate disciplinary action according to the building discipline plan and the Rights, Rules, Regulations, and Procedural Code of the Rochester Public Schools. If the student must be removed from class, suspended, or expelled, the School District will initiate proceedings according to Minnesota Statutes 121A.40 to 121A.56 (Pupil Fair Dismissal Act). Student misconduct that is gang-related may result in enhanced disciplinary consequences. School District personnel may use reasonable force to restrain a student or prevent bodily harm or death to another.

Incidents involving criminal behavior may be reported to law enforcement as appropriate.

There are video surveillance cameras in District buildings. For more information, see School Board Policy 712 Video Surveillance Other than on Buses.

Procedural Code for Dealing With Pupil Removal from Class, Suspension, and Expulsion Proceedings

(For more information, see the Pupil Fair Dismissal Act, Minnesota Statute 121A.40 to 121A.56, and School Board Policy 506)

Grounds for Removal from Class

A student may be disciplined, including removal from class, for any conduct which does not adhere to the following rules. These rules govern conduct which occurs on School District property at any time or off School District property at any organized School District activity, function, or event or at a time other than the regular school day. Grounds for removal from class include:

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

If the student is removed from class more than ten 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.

Suspension, Exclusion, & Expulsion

Students may be suspended, excluded, or expelled on any of the following grounds:

1. Willful violation of any reasonable School Board regulation including those found in the policy;
2. Willful conduct that significantly disrupts the rights of others to an education or the ability of School personnel to perform their duties, or School sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding person, including School District employees, or property of the School

Suspension

Students may be suspended from school for a period of no more than ten school days. Dismissal from school for one school day or less does not constitute suspension except as provided in federal law for a student with a disability. A student will not be suspended from school without an informal administrative conference with the student. This conference will take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. To the extent the suspension exceeds five days, the District will implement alternative educational services.

At the conference, the principal or other school administrator will notify the student of the ground(s) for suspension and provide an explanation of the evidence. The student may present his or her version of the facts.

A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of Minnesota Statutes, sections 121A.40 to 121A.56, will be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent by mail within 48 hours of the conference. If the student is suspended without a conference, written notice will be served upon the student and parent within 48 hours of the suspension. The School District will make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension and request they come to the school to take custody of their student. If a parent is unable to come for their student, the school may provide transportation to his/her home, providing a parent is there to receive him/her. If the principal cannot reach the parent, the student must remain on School District property until the close of the school day.

In the case of a student with a disability, the student's individual education team will meet not more than ten school days after the date on which the decision to remove the student from the student's current education placement is made.

Consecutive Suspension

In the case of consecutive suspensions, a separate conference shall be held for each period of suspension and a suspension notice served on the student and the parent. The School District will not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to property.

Suspension Pending Exclusion or Expulsion

The School District may impose a suspension of up to (fifteen) 15 days if it is in the process of initiating an expulsion. No informal administrative conference will be held after the initial conference. The District will implement an alternative education program during the suspension. The student will be reinstated if the hearing required before expulsion or exclusion is not complete and the School Board has not rendered a decision to expel or exclude within the fifteen (15) day period, unless prior agreement has been obtained between the student and parent to keep the student out of school pending the School Board's decision. Reinstatement does not preclude the School Board from deciding to impose exclusion or expulsion.

Exclusion & Expulsion

No student can be expelled or excluded without a hearing unless the right to a hearing is waived in writing by the student and parent/guardian. The action must be initiated by the School Board or its agent to expel or exclude a student. A student may be excluded from enrollment or reenrollment for a period not to extend beyond the school year. A student may be prohibited from attending school up to 12 months from the date a student is expelled.

If the School Board is considering excluding or expelling a student, written notice of such intent will be served upon the student and his/her parent personally or by mail and contain the following:

1. A complete statement of the facts, a list of the witnesses, and a description of their testimony
2. The date, time, and place of the hearing
3. A copy of Minnesota Statute sections 121A.40 to 121A.56
4. A description of alternative educational programs accorded to the student in an attempt to avoid the expulsion or exclusion proceedings
5. Information advising the pupil and parent or guardian of the right to:
 - A. Have legal counsel at the hearing
 - B. Examine the pupil's records before the hearing
 - C. Present evidence
 - D. Confront and cross-examine witnesses

The student is entitled to specific notice of the rules alleged to have been violated prior to the hearing. Only those grounds asserted will be considered at the hearing. This notice is private data under the Minnesota Data Privacy Act.

A hearing must be conducted unless waived by the parent(s) and student, or by the student if the student is eighteen (18) years of age. The hearing will be closed unless the student or parent requests an open hearing. The student cannot be compelled to testify in the dismissal proceedings. The School Board will issue a written decision within five (5) days of receiving a recommendation from the hearing officer, School Board members, or committee that conducted the initial hearing. The written decision must state in sufficient detail the basis and reason for the decision. If the student is expelled or excluded, the School District will provide the student with an alternative education program.

Appeal Right

The decision to expel or exclude a student may be appealed to the Commissioner of Education.

Special Education Considerations

A student receiving special education may be removed from all or a portion of a regular educational program when the nature or severity of the student's need is such that education in a regular education program cannot be satisfactorily accomplished.

A student who is suspected to have a disability may be referred for a special education evaluation by contacting the school's Child Study Team administrator.

The Individuals with Disabilities Act (IDEA) as amended in 1997 and the State of Minnesota Education Rules and Regulations, Chapter 3525, define Due Process procedures that the School District is required to follow.

Student Medication

(For more information, see School Board Policy 516)

Medications should be administered at home under the supervision of the parent or guardian when possible. However, the School District acknowledges that some students may require medication during the school day. The School District's licensed nurses or trained and appointed administrators/staff will administer prescribed medications in accordance with the law and School District procedures. Forms can be found at district web site under Resources/Student Health Services and turned in at the student's school.

Immunization Requirements

(For more information, see School Board Policy 530)

No student may be enrolled or remain enrolled, on a full-time, part-time, or shared-time basis, in any school educational program within the School District, including programs serving children from birth to kindergarten that meet at least once a week for six weeks or more during the year and provide support for children's learning and development, until the student or the student's parent or guardian has submitted to the designated School District administrator the required proof of immunization or appropriate documentation exempting the student from immunization.

Wellness Policy

(For more information, see School Board Policy 533)

The School District will encourage all students to make healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs.

Snacks served during the school day will make a positive contribution toward student nutrition. Emphasis will be placed on recommending whole grains, fruits, vegetables and dairy as the primary snack items. Classroom celebrations will encourage healthy choices and portion control. School-sponsored fundraising activities must be approved by building administration or designee (Form 511A). Schools will encourage fundraising that promotes the sale of non-food or nutritious food items that are delivered and consumed after school hours. Food sold for fundraising will not be sold during the school day. Food and beverages may not be sold from any classroom, office, or any other building by any staff member, student, or organization.

Student Health and Communicable Diseases

In order to provide a safe and healthy learning environment for all students and staff, the District will follow public health guidelines for health related policies and communicable disease. It is the responsibility of the parent/guardian to notify the Health Office at the student's school regarding health concerns or changes in student health status. For more information, contact your school Health Office or visit our district Student Health Services website. This can found on the district web site under Resources/Student Health Services.

Head Lice & Certain Communicable Diseases

In order to provide a safe and healthy learning environment for all students and staff, the District will follow public health guidelines for head lice and communicable diseases.

Should your child be found to have live lice in their hair during the school day, a parent/guardian will be contacted by a health office staff member. The students may remain in school until the end of the school day and return to school after the first application of treatment has been completed per directions sent home with the student.

For more information contact your school health office or visit our district website.

DNR-DNI Orders

(For more information, see School Board Policy 518)

The primary mission of the School District is education. DNR-DNI Orders are medical documents. School District staff will **not accept or honor requests to withhold emergency care or DNR-DNI orders**. The School District will not convey such orders to emergency medical personnel. School District staff will provide reasonable emergency care and assistance when a student is undergoing a medical emergency during school or school activities. School District staff will activate emergency medical services (911) as soon as possible when a student is undergoing a medical emergency during school or school activities. The parent/guardian will be notified of the emergency as soon as possible.

Crisis Management

(For more information, see School Board Policy 806)

It is the policy of the School District to **have in place a crisis management plan** for every building in the District to address potential crisis situations. Thorough crisis management should result in increased security for staff and students; minimization of damage and loss in the event of a crisis; and the return of the school/District to a normal functional level as soon as possible after a crisis.

Student Medical Emergency

(For more information, see School Board Policy 550)

It is the policy of the School District to provide reasonable emergency care and assistance when a student is undergoing a medical emergency during the school day or during school activities.

1. The School District staff will activate emergency medical services and call 911 as soon as possible.
2. School District staff will not accept or honor requests to withhold emergency care DNR-DNI orders. The School District will not convey such orders to emergency medical personnel.
3. When available, the student's health information will be released to responding medical personnel.
4. An ambulance will be called when it is needed. The cost for the ambulance is the responsibility of the family.
5. The school will notify the parent/guardian of the emergency as soon as possible.

Equal Educational Opportunity

(For more information, see School Board Policy 102)

It is the School District's policy to provide equal educational opportunity for all students. The School District does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The School District also makes reasonable accommodations for disabled students.

Student Disability Nondiscrimination

(For more information, see School Board Policy 521)

It is the responsibility of the School District to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

For this policy, a learner who is protected under Section 504 is one who:

1. has a physical or mental impairment that substantially limits one or more major life activities

2. has a record of such an impairment
3. is regarded as having such impairment

Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

Persons who have questions, comments, or complaints should contact the Assistant Director of Student Support Services at 615 7th Street SW, Rochester, MN or (507) 328-4312 regarding grievances or hearing requests regarding disability issues. This person is the School District's American with Disabilities Act / 504 Coordinator.

Student Sex Nondiscrimination

(For more information, see School Board Policy 522)

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. 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 the principal or Director of Human Resources or may file a grievance.

Pledge of Allegiance

(For more information, see School Board Policy 531)

Students in this School District **will recite the pledge of allegiance to the flag of the United States of America** one or more times each week. The recitation will be conducted by each individual classroom teacher or the teacher's surrogate; or over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

Any student or teacher may decline to participate in recitation of all or some of the pledge of allegiance to the flag. Students and teachers must respect the choice to recite the pledge. Students and teachers must also respect the choice to recite the pledge.

Protection and Privacy of Pupil Records

(For more information, see School Board Policy 515)

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student's name, address, telephone listing, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e. full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address and telephone number of the student's parent(s). Directory information does not include personally identifiable data which references religion, race, color, social position, nationality, social security numbers, student I.D. numbers or data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

Forms discussed below can be found at <http://www.rochester.k12.mn.us> and faxed to (507) 281-6086 or emailed to registration@rochester.k12.mn.us.

Procedure for Making Any Student's Directory Information Private

The parent or eligible student must complete *Form 515A1 Notice of Right to Refuse Release of Public Data*

which will provide written notice to the Office of Registration & Records and will include the following:

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

Disclosure of Data to Military Recruitment Officers and Post-Secondary Educational Institutes

The School District will release the names, addresses, and home telephone numbers of secondary students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release directory information. Data released to military recruiting officers under this provision: 1) may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and 2) cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.

A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers and post-secondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must complete *Form 515A2 Notice of Right to Refuse Release of Public Data to Military Recruiters* which will provide written notice to the Office of Registration & Records and will include the following:

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 recruiters and post-secondary educational institutions
7. Specific category or categories of information which are not to be released to the public, including military recruiters and post-secondary educational institutions

Annual Notification of Rights

Annually, the School District will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of students in grades 11 and 12 without prior consent.

Media Access

(For more information, see School Board Policy 903)

To protect the privacy and safety of students, no student may be interviewed on School District property or at a School District-sponsored activity by the media without administrative approval. **With administrative approval, media interviews will be permitted for students who do not have restricted access.**

Student Surveys

(For more information, see School Board Policy 520)

Student surveys may be conducted as determined necessary by the School District. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h. Any violations of this policy may be reported to the US Department of Education, Family Policy Compliance Office (FPCO), 400 Maryland Ave. SW, Washington, DC 20202.

1. Student surveys will be conducted anonymously and in an indiscernible fashion. No mechanism will be used for identifying the participating student in any way. No attempt will be made in any way to identify a student survey participant. There will be no requirement that the student return the

- survey, and no record of the student's returning a survey will be maintained.
2. The Superintendent may choose not to approve any survey that seeks probing personal and/or sensitive information that could result in identifying the survey participant, or is discriminatory in nature based on age, race, color, sex, disability, religion, or national origin.
 3. Surveys containing questions pertaining to the student's or the student's parent(s) or guardian(s) personal beliefs or practices in sex, family life, morality and religion will not be administered to any student unless the parent or guardian of the student is notified in writing that such survey is to be administered and the parent or guardian of the student gives written permission for the student to participate or the opportunity to opt out of the survey depending upon how the survey is funded. Any and all documents containing the written permission of a parent for a student to participate in a survey will be maintained by the School District in a file separate from the survey responses.
 4. Although the survey is conducted anonymously, potential exists for personally identifiable information to be provided in response thereto. To the extent that personally identifiable information of a student is contained in his or her responses to a survey, the School District will take appropriate steps to ensure the data is protected in accordance with Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act), 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) and 34 C.F.R. Part 99.

Complaints - Students, Employees, Parents/Guardians, Other Persons

(For more information, see School Board Policy 103)

Students, parents/guardians, employees or other persons may report concerns or complaints to the School District. While written reports are encouraged, a complaint may be made verbally. Any employee receiving a complaint will advise the principal or immediate supervisor of the receipt of the complaint. The supervisor will make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the Superintendent. A person may file a complaint at any level of the School District; i.e., principal, Superintendent, or School Board. However, persons are encouraged to file a complaint at the building level when appropriate.

Distribution of Non-school-Sponsored Materials on School Premises by Students and Employees

(For more information, see School Board Policies 505 and 904)

The School District recognizes that students and employees have the right to express themselves on school property. This protection includes **the right to distribute, at a reasonable time and place and in a reasonable manner, non-school-sponsored material.** Examples of non-school-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects. Distribution of the following materials is always prohibited. Material that:

1. is obscene to minors
2. is libelous or slanderous
3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended
4. advertises any product or service not permitted to minors by law
5. advocates violence or other illegal conduct
6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religious, or ethnic origin)
7. presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations

The School Board also recommends the following materials not be distributed. Material that:

1. is religious in nature
2. causes the distribution of candy, food products, and carbonated soft drinks
3. includes advertising, logos, or claiming sponsorship by any organization or business that does not have not-for-profit tax status as verified by the Minnesota Secretary of State
4. has a stated or unstated purpose of recruiting students away from programs/activities offered by the School District

Disciplinary Action:

1. Distribution by any student of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with the School District's Student Discipline Policy.
2. Distribution by any employee of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, School District policies and procedures, and/or governing statute.
3. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called.

Procedures:

Requests for distribution of materials will be reviewed on a case-by-case basis by the Communications and Marketing Office.

Where to Find Information or Services

The following is a list of School District offices and services and their telephone numbers. If you do not know who to call, the Superintendent's Office will direct your call to the appropriate office or service. If you have any questions concerning the policies in this booklet, please contact the Office of Elementary and Secondary Education.

Assistant Superintendent's Office	328-4300
Communications	328-4500
Curriculum and Instruction	328-4301
English for Speakers of Other Languages	328-4240
Gifted and Talented Education	328-4275
Human Resources	328-4251
Registration and Records	328-4200
Student Nutrition Services	328-4250
Student Support Services	328-4310
Superintendent's Office	328-3000
Transportation	328-4260

Rochester Public Schools – Independent School District #535

615 Seventh Street SW • Rochester, MN 55902 • 507-328-3000 • <http://www.rochester.k12.mn.us>

Independent School District #535 maintains a learning environment that is free from discrimination, harassment, or violence based upon the protected class categories of race, religion, sex, color, creed, national origin, age, marital status, status with regard to public assistance, sexual orientation, disability, or an employee's membership or activity in a local commission.