

**Seven Hills Preparatory Academy**

**Employee Handbook Appendices  
2023-2024**

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## Appendix A

### **POLICY 410: EMPLOYEE FAMILY AND MEDICAL LEAVE**

#### **I. PURPOSE**

The purpose of this policy is to provide for family and medical leave to School employees in accordance with the Family and Medical Leave Act and also with parenting leave under the Minnesota State Parental Leave law.

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

##### **A. Leave of Absence**

1. Regular full-time and part-time employees who have been employed by the school for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave are entitled to a total of 12 workweeks of unpaid family (see II(A)(3) exception), medical or military leave, and up to twenty-six weeks of leave to address care for covered service members during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:

- a. Birth of the employee's child;
- b. Placement of an adopted or foster child with the employee;
- c. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- d. The employee's serious health condition makes the employee unable to perform the functions of the employee's job;
- e. For any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty in support of a contingency operation (see *Military Family Leave Entitlements* below); and/or
- f. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member (see *Military Family Leave Entitlements* below).

2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.

3. Notwithstanding the eligibility described in II(A)(1), Employees may be eligible for time off work for prenatal care, pregnancy, childbirth, health conditions related to giving birth, or to bond with their new baby, adopted or foster child, if they have worked at least ½ a full-time schedule over the year prior to needing a leave of absence under this policy.

3. *Serious Health Condition Defined:*

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves any of the following:

- An overnight stay in a medical care facility;
- “Continuing treatment” by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job; or
- Prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the *continuing treatment* requirement may be met by a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:

- Treatment during at least two visits to a health care provider within thirty (30) days of the first day of incapacity;
- One visit and a regimen of continuing treatment;
- Incapacity due to pregnancy; or
- Incapacity due to a chronic condition.

*Incapacity* exists when the employee or covered family member is unable to work, attend school or perform other regular daily activities due to the serious health condition, treatment of the serious health condition or recovery from the serious health condition.

Other conditions may meet the definition of continuing treatment. In order to qualify as treatment by a healthcare provider, the first (or only) in-person treatment visit must take place within seven (7) days of the first day of the employee's incapacity. If it does not, your request for FMLA may be denied absent extenuating circumstances.

4. Eligible spouses employed by the school district are limited to an aggregate of twelve weeks of leave during any 12-month period for the birth or adoption of a child, the placement of a child for foster care or to care for a parent. This limitation for spouses employed by the school does not apply to leave taken by one spouse to care for the other spouse who is seriously ill, to care for a child with a serious health condition, or because of the employee's own serious health condition.

5. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.

6. *Employee's Certification Responsibilities:*

The School requires that an employee provide it with certification from a health care provider or from the military (as appropriate) for any leave taken for any of the following reasons:

- the employee's own serious health condition;
- to care for a covered family member with a serious health condition;
- for an employee's request for leave because of a qualifying exigency; or
- to care for a covered service member with a serious injury or illness.

After it is requested, it is the employee's responsibility to return the certification within fifteen (15) calendar days to the Building Administrator Human Resources. Failure to return this

certification to the designated Administrator department may result in the denial of your request for leave.

Moreover, for employees who have their own serious health condition or are caring for the serious health condition of a family member, the School may require that the health care provider recertify the status of the serious health condition. As with the initial certification, a recertification must be returned to the building administrator Human Resources within fifteen (15) calendar days. Failure to return the recertification to the building administrator Human Resources may result in the denial of the employee's request for leave.

Please bear in mind that a certification form returned to the School that is incomplete, even if it is returned timely, will be insufficient and may result in the denial of the employee's request for leave. ***Under federal law, it is the employee's responsibility to ensure that the certification form is completed and returned to Human Resources or the building administrator in accordance with these rules.***

Where an eligible employee seeks to take leave to care for a covered service member, the School requires that the employee provide it with confirmation of the covered family relationship to the covered service member.

Where the employee is requesting leave for the first time because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the School will require that the employee provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

The School has the right to ask for a second opinion if it has reason to doubt the certification. The School will pay for the employee to get a certification from a second doctor, which the School will select. If necessary, to resolve a conflict between the original certification and the second opinion, the School may; require the opinion of a third doctor. The School and the employee will mutually select the third doctor, and the School will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **7. *Military Family Leave Entitlements:***

Eligible employees with a spouse, son, daughter or parent on covered active duty or call to covered active duty status in the Armed Forces, National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. For purposes of the FMLA, covered active duty for regular Armed Forces personnel

means duty during the deployment to a foreign country; while covered active duty for members of the Reserve or National Guard means duty during deployment to a foreign country under a call or order to active duty.

Qualifying exigencies may include:

- Attending certain military events and related activities;
- Short notice deployment;
- Rest and recuperation;
- Arranging for alternative childcare and related activities (whether for your child or a child of your parent, spouse, son or daughter, so long as the child's parent is a member of the military);
- Parental care (whether for the employee's parent or where the military member is the parent, spouse, son or daughter of the employee and where the parent is a parent of a military member);
- Addressing certain financial and legal arrangements;
- Attending certain counseling sessions; and
- Certain post-deployment activities.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a *current* member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred or a pre-existing injury or illness aggravated in the line of duty on active duty that may render the covered service member medically unfit to perform his or her duties for which the covered service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list for a serious injury or illness.

A covered service member is also a veteran of the Armed Forces, including a veteran of the National Guard or Reserves, who was released from duty for reasons other than those that were dishonorable and who experienced a serious injury or illness or aggravated a pre-existing serious injury or illness while in the line of duty on active duty, which manifested itself before or after the service member's military service ended, so long as the medical treatment, recuperation, or therapy for the injury or illness begins within five (5) years from the end of the service member's military service. This leave entitles the eligible employee to only one twenty-six (26) week period of leave per covered service member, per injury. Employees may be eligible for another twenty-six (26) week period of leave for a different covered service member or for a different injury on the same covered service member for which an earlier leave was taken.

8. Requests for leave shall be made to the school. Employees must give 30 days' written notice of a leave of absence where practicable. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school, subject to and in coordination with the health care provider.



9. During the period of a leave permitted under this policy (which does not exceed a total of 12 workweeks in the applicable 12-month period), the school will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage.

11. The School may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave.

Likewise, paid leave in the form of worker's compensation, short term disability insurance or some other form of paid leave will run concurrent with the employee's qualified FMLA leave (e.g. the employee's time off work to deal with a workers' compensation covered injury will be similarly counted as FMLA time, if it is for a serious health condition or other FMLA-covered event).

The School shall comply with written notice requirements as set forth in federal regulations.

Paid time off under the School's policies does not accrue during periods of unpaid time off under this policy.

12. Employees returning from a leave permitted under this policy (which does not exceed a total of 12 workweeks in the applicable 12-month period) are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.

13. An employee who does not return to work after leave may, in some situations, be required to reimburse the school district for the cost of the health plan premiums paid by it.

14. The provisions of this policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by that Act and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

15. The FMLA makes it unlawful for any employer to:

- Interfere with, restrain or deny the exercise of any right provided under the FMLA; and



- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

B. Six-week Leave

An employee who does not qualify for leave under Paragraph A above may qualify for a six-week unpaid parenting leave for birth or adoption of a child. The employee may qualify if he or she has worked for the school district for at least 12 consecutive months and has worked an average number of hours per week equal to one-half of the full time equivalent. This leave is separate and exclusive of the family and medical leave described in the preceding paragraphs.

**III. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.

B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than twenty percent of the working days in the leave period may be required to:

1. Take leave for a period or periods of a particular duration, not greater than the duration of the planned; or
2. Move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.

C. Instructional employees who request continuous leave near the end of a trimester may be required to extend the leave through the end of the trimester. The number of weeks remaining before the end of a trimester does not include scheduled school breaks, such as summer, winter, or spring break.

1. If an instructional employee begins leave for any purpose *more* than five weeks before the end of a trimester and it is likely the leave will last at least three weeks, the School may require that the leave be continued until the end of the trimester.
2. If the employee begins leave because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a

serious health condition; or to care for a covered service member, *during* the last five weeks of a trimester, the School may require that the leave be continued until the end of the trimester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the trimester.

3. If the employee begins leave because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member, *during* the last three weeks of the trimester and the leave will last more than five working days, the School may require the employee to continue taking leave until the end of the trimester.

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

#### **IV. DISSEMINATION OF POLICY**

A. This policy shall be conspicuously posted in the School in areas accessible to employees.

B. This policy will be reviewed at least annually for compliance with state and federal law.

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***ADOPTED BY THE BOARD ON: September 2006***

***REVISED BY THE BOARD ON: August 2022***

**Appendix B**

**CODE OF CONDUCT FOR LICENSED TEACHERS ESTABLISHED BY THE  
MINNESOTA BOARD OF TEACHING**

- A. teacher shall provide professional education services in a nondiscriminatory manner.
  
- B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.
  
- C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.
  
- D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.
  
- E. A teacher shall not use professional relationships with students, parents [guardians] and colleagues to private advantage.
  
- F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.
  
- G. A teacher shall not deliberately suppress or distort subject matter.
  
- H. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.
  
- I. A teacher shall not knowingly make false or malicious statements about students or colleagues.
  
- J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.

*Excerpted from Chapter 9, Sec. 3.130, of the Minnesota Code.*

**Appendix C**

**POLICY 414: MANDATED REPORTING OF CHILD NEGLECT OR ABUSE**

**I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

**II. GENERAL STATEMENT OF POLICY**

- A. It is the policy of the school to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. It shall be a violation of this policy for any school personnel to fail to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

**III. DEFINITIONS**

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
  - 1. Is not likely to occur and could not have been prevented by exercise of due care; and
  - 2. If occurring while a child is receiving services from the school, happens when the school and the employee or person providing services in the school are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means person under age 18.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.

- D. “Mandated Reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means any of the acts specified below, other than by accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical care, or other care required for the child’s physical or mental health when reasonably able to do so;
  2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
  4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
  5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance;
  6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 6, Clause (5);
  7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or
  8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child’s behavior, emotional response, or cognition that is not within the normal range for the child’s age and stage of development, with due regard to the child’s culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child’s care in good faith has selected and depended on those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child’s health.

- F. “Physical Abuse” means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child’s care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child’s history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized as restrictive procedures under Minn. Stat. § 125A.0942.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, executive director or school employee as allowed by Minn. Stat. § 121A.582 when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

Actions which are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child’s breathing; (6) threatening a child with a dangerous weapon, including any firearm and any devices calculated or likely to produce death or great bodily harm; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child’s behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint including, but not limited to, tying, caging, or chaining; or (11) corporal punishment.

- G. “Report” means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

H. “School Personnel” means professional employee or professional’s delegate of the school who provides health, educational, social, psychological, law enforcement or child care services.

I. “Sexual Abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child (including a parent, stepparent, guardian, an individual related by blood, or an adult who resides intermittently or regularly in the same dwelling as the child) or by a person in a current or recent position of authority (including but not limited to a parent or a person charged with any parent’s rights or duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse includes any act involving a minor which constitutes prostitution, use of a minor in a sexual performance, child sex trafficking, or threatened sexual abuse.

J. “Mental Injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.

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

L. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

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

A. The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools and the school shall make its initial report of any allegations of child maltreatment in schools directly to the appropriate department at MDE. Reports of allegations of child maltreatment occurring outside of schools shall be made to the appropriate local welfare agency,



- agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department.
- B. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
- C. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.
- D. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- E. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- F. With the exception of a healthcare professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.

- G. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- H. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- I. Any person who knowingly or recklessly makes a false report under this policy may be subject to discipline, up to and including discharge. Minnesota law also provides that anyone who knowingly or recklessly makes a false report shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees.

## V. INVESTIGATION

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.
- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and

the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.

- D. Where the alleged perpetrator is believed to be a school official or employee, the school shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The local educational agency shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

**VI. DATA PRACTICES AND MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE**

- A. A written notification provided to the school to interview a child on school property shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded, unless a school employee or agent is alleged to have maltreated the child.
- B. The name of the reporter of maltreatment shall be confidential data while the report is under assessment or investigation and after the assessment or investigation is completed.
- C. A local social services or child protection agency, or the agency responsible for assessing or investigating the report of maltreatment, shall provide relevant private data on individuals to a mandated reporter who made the report and who has an ongoing responsibility for the health, education, or welfare of a child affected by the data, unless the agency determines that providing the data would not be in the best interests of the child. A reporter who receives private data on individuals under this subdivision must treat the data as private data.

- D. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the assessment or investigation or by a court of competent jurisdiction.–

**VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE**

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

**VIII. DISSEMINATION OF POLICY AND TRAINING**

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

## Appendix D

### **POLICY 524: ELECTRONIC TECHNOLOGY ACCEPTABLE USE AND SAFETY**

#### **I. PURPOSE**

The purpose of this policy is to set forth policies and guidelines for access to and use of Electronic Technology.

#### **II. DEFINITION**

For purposes of this policy, the term “Electronic Technology” means all electronic systems, equipment, and devices that are owned, leased, or supplied by the school, or are otherwise under the control of the school, including, but not limited to, computers, computer systems, networks, hardware, software, electronic devices, electronic programs, electronic storage media, databases, systems used to supply or facilitate Internet access, and Internet access provided by or gained through any school service, system, device, or equipment.

#### **III. GENERAL STATEMENT OF POLICY**

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

#### **IV. LIMITED EDUCATIONAL PURPOSE**

The school is providing students and employees with access to Electronic Technology for educational purposes, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Electronic Technology to further educational and personal goals consistent with the mission of the school and school policies. Uses which might be acceptable on a user’s private personal account on another system may not be acceptable on Electronic Technology, which is owned, operated, or provided by the school for a limited purpose.

## **V. USE OF SYSTEM IS A PRIVILEGE**

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

## **VI. UNACCEPTABLE USES**

A. The following uses of Electronic Technology are considered unacceptable:

1. Users will not use Electronic Technology to access, review, upload, download, store, print, post, receive, transmit or distribute:
  - a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
  - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - d. information or materials that could cause damage or danger of disruption to the educational process;
  - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination;
  - f. materials that present a risk of harm to students, staff, Electronic Technology, or any school property.
2. Users will not use Electronic Technology 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 Electronic Technology to engage in any illegal act or violate any local, state or federal statute or law.
4. Users will not use Electronic Technology 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 system software, hardware or wiring or take any action to violate the school's security system, and will not use Electronic Technology in such a way as to disrupt the use of the system by other users.
5. Users will not use Electronic Technology 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 Electronic Technology to post or provide 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 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 as directory information and verification is made that the school has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information; or
    - (2) such information is not classified by the school 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 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 Electronic Technology to post personal information about a user or another individual on social networks, including, but not limited to, Facebook, Twitter, Instagram, Snapchat, Reddit, and similar websites or applications.
7. Users are responsible for complying with school password security procedures. Users will not attempt to gain unauthorized access to the school system or any other system through the school system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the school system may not be encrypted without the permission of appropriate school authorities.
8. Users will not use Electronic Technology 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 Electronic Technology for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school. Users will not use Electronic Technology to offer or provide goods or services or for product advertisement. Users will not use Electronic Technology to purchase goods or services for personal use without authorization from the appropriate school official.
10. Users will not use Electronic Technology to engage in bullying or cyberbullying in violation of the school's Bullying Prohibition Policy (Policy 514). This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. This policy applies to the use of Electronic Technology regardless of whether or not the user is physically present on school property and regardless of whether or not the user is attending a school sponsored event or activity.
- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school official. In the case of a school employee, the immediate disclosure shall be to the employee's

immediate supervisor and/or the 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 employee, the building administrator.

- D. Any student who witnesses unacceptable use of Electronic Technology is encouraged to report this unauthorized use to the appropriate school official. Any school employee who witnesses unacceptable use of Electronic Technology shall report this unauthorized use to the appropriate school official.

## **VII. FILTER**

- A. The School will monitor the online activities of minors and adults when those activities occur using Electronic Technology, and employ technology protection measures during any use of such Electronic Technology 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. An administrator, supervisor or other person authorized by the executive director may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

- D. Software filtering technology shall be narrowly tailored and shall not discriminate based on viewpoint.
- E. The school will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
- F. The use of a “Proxy” server or service to bypass the filtering technology is not allowed and is a violation of this policy. Defeating or bypassing the filtering technology is also a violation of CIPA (Children's Internet Protection Act, [Federal Act, 2000]).

#### **VIII. CONSISTENCY WITH OTHER SCHOOL POLICIES**

Use of Electronic Technology shall be consistent with school policies and the mission of the school.

#### **IX. NO EXPECTATION OF PRIVACY**

- A. By authorizing use of Electronic Technology, the school does not relinquish control over materials on the system or contained in files on the system. Users have no reasonable expectation of privacy in the contents of any data, including personal files, that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology.
- B. Routine maintenance and monitoring of the Electronic Technology may lead to a discovery that a user has violated this policy, another school policy, or the law.
- C. An investigation or search related to employee use will be conducted when authorized by an administrator, supervisor or other person authorized by the executive director. An investigation or search related to student use will be conducted when authorized by the building principal or assistant principal, an administrator, supervisor or other person authorized by the executive director.
- D. Parents have the right at any time to investigate or review the contents of their child’s files and email files. Parents have the right to request the termination of their child’s access to or use of Electronic Technology at any time.

- E. School employees should be aware that data and other materials in files maintained on or through the use of Electronic Technology may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. The school will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school policies conducted through the school system.
- G. The school retains full ownership, authority, and control over its Electronic Technology. To the full extent permitted by law, the school may monitor and inspect the use of Electronic Technology, including, but not limited to, any data that are accessed, reviewed, uploaded, downloaded, stored, maintained, printed, posted, transmitted, or distributed using Electronic Technology. Such monitoring and inspection may occur as authorized by an administrator, supervisor or other person authorized by the executive director, without any notice to the user.

#### **X. ELECTRONIC TECHNOLOGY USE AGREEMENT**

- A. The proper use of Electronic Technology, and the educational value to be gained from proper Electronic Technology use, is the joint responsibility of students, parents and employees of the school.
- B. This policy requires the permission of and supervision by the school's designated professional staff before a student may use a school account or resource to access Electronic Technology.
- C. The Electronic Technology Use Agreement form for students must be read and signed by the student user. The Electronic Technology Use Agreement form for employees must be signed by the employee. The form must then be filed at the school office.

#### **XI. LIMITATION ON SCHOOL LIABILITY**

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

obtained through or stored on Electronic Technology. The school will not be responsible for financial obligations arising through unauthorized use of Electronic Technology.

## **XII. USER NOTIFICATION**

- A. All users shall be notified of the school policies relating to Electronic Technology use.
- B. This notification shall include the following:
  - 1. Notification that use of Electronic Technology is subject to compliance with school policies.
  - 2. Disclaimers limiting the school's liability relative to:
    - a. Information stored on school diskettes, hard drives or servers.
    - b. Information retrieved through school computers, networks or online resources.
    - c. Personal property used to access school computers, networks or online resources.
    - d. Unauthorized financial obligations resulting from use of school resources/accounts to access the Internet.
  - 3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
  - 4. Notification that, even though the school may use technical means to limit student Electronic Technology access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
  - 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
  - 6. Notification that the collection, creation, reception, maintenance and dissemination of data via Electronic Technology, including electronic communications, is

governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.

7. Notification that, should the user violate the school's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state and federal laws.

### **XIII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT ELECTRONIC TECHNOLOGY USE**

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

### **XIV. IMPLEMENTATION; POLICY REVIEW**

- A. The school administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the school board for

approval. Upon approval by the school board, such guidelines, forms and procedures shall be an addendum to this policy.

- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school Electronic Technology policies and procedures are available for review by all parents, guardians, staff and members of the community.
- D. Because of the rapid changes in the development of Electronic Technology, the school board shall conduct an annual review of this policy.



**Appendix E**

**POLICY 514: BULLYING PROHIBITION**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school property or at school-related functions. 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 local educational agency or the safety or welfare of the student, other students, or employees. Cyber bullying also may constitute an act of bullying regardless of whether such acts are committed on or off local educational agency property and/or with or without the use of school resources.

B. No teacher, administrator, volunteer, contractor, or other employee of the school 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 student who engages in an act of bullying, reprisal, retaliation, or knowingly making a false report of bullying shall be subject to discipline or other remedial responses for that act in accordance with the school's policies and procedures, including the school's discipline policy. A teacher, administrator, volunteer, contractor, or other employee of the school district who permits, condones, or tolerates bullying or engages in an act of reprisal, retaliation, or knowingly making a

false report of bullying shall be subject to disciplinary action. The school may take into account the following factors:

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

Consequences for students who commit acts of bullying or other prohibited conduct may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. 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.

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

### **III. DEFINITIONS**

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

A. “Bullying” means 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

1. 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 but in no event longer than one school day.

D. “On school premises, on school property, at school-related functions, or on school transportation” means all school buildings, school grounds, and school property, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for local educational agency purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. While prohibiting bullying at these locations and events, the school does not represent that it will provide supervision or assume liability at these locations and events.

E. “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;

1. Violates a student’s reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or

1. Is directed at any student or students, including those based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

F. “Prohibited conduct” means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

G. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.

H. “Student” means a student enrolled in the school.

#### **IV. REPORTING PROCEDURE**

A. Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to an appropriate school official designated by this policy. A student may report bullying anonymously. However, the school’s ability to take action against an alleged perpetrator based solely on an anonymous report may be limited. Any teacher, administrator, volunteer, contractor, or other employee of the school 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 official.

B. The school encourages the reporting party or complainant to submit a complaint in writing but oral reports shall be considered complaints as well.

C. The executive director or designee (hereinafter the “building report taker”) is the person responsible for receiving reports of bullying. At the Bloomington Campus, the Bloomington Campus Principal shall be the building report taker, and at the Richfield Campus, the Richfield Campus Principal shall be the building report taker.

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 individuals as appropriate.

D. A teacher, school administrator, volunteer, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the executive director immediately.

E. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

F. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.

G. The school will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## **V. SCHOOL ACTION**

A. Within three school days of the receipt of a complaint or report of bullying or other prohibited conduct, the school shall undertake or authorize an investigation by school officials or a third party designated by the school.

B. The school may take immediate steps, at its discretion, to protect the target or victim of bullying or other prohibited conduct, the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.

C. The alleged perpetrator of bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

D. Upon completion of an investigation that determined that bullying or other prohibited conduct has occurred, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to

appropriately discipline prohibited behavior. Remedial responses to bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; school policies; and regulations.

E. The school is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school. School officials will notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

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

## **VI. REPRISAL**

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

## **VII. TRAINING AND EDUCATION**

A. The school annually will provide information and any applicable training to local educational agency staff regarding this policy.

B. The school annually will provide education and information to students regarding bullying, including information regarding this school policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying. Newly employed school personnel must receive the training within the first year of their employment with the district or school. A district or school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance.

C. The administration of the school is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.

D. The school may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

E. The school district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:

1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;

1. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;

1. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;

1. The incidence and nature of cyberbullying; and

1. Internet safety and cyberbullying.

F. Affected students and their parents may have rights under state and federal data practices laws to obtain access to data related to an incident and to contest the accuracy or completeness of the data.

## **VIII. NOTICE**



- A. The school will give annual notice of this policy to students, parents or guardians, and staff, and reference to this policy shall appear in the parent-student handbook.
  
- B. This policy or a summary thereof must be conspicuously posted in the administrative offices of the school district and the office of each school.
  
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students, at the time of initial employment with the school.
  
- D. This policy must be available to all parents and other school community members in an electronic format in the languages appearing on the district or school website, consistent with the district policies and practices.

**Appendix F**

**POLICY 413: HARASSMENT AND VIOLENCE**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

A. It is the policy of the school 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school prohibits any form of harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

B. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel to harass a pupil, teacher, administrator or other school 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the school.

C. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school to inflict, threaten to inflict, or attempt to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

D. The school will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, gender, 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. Harassment; Definition**

1. “Harassment” prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual’s or group of individuals’ race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:

- a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
- b. has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance; or
- c. otherwise adversely affects an individual’s employment or academic opportunities.

B. “Immediately” means as soon as possible but in no event longer than one school day.

#### **C. 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 substantially limits one or more major life activities;
- b. Has a record of such an impairment; or
- c. Is regarded as having such an impairment.

1. “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.

1. "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.

1. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.

1. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

1. "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.

1. "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.

**D. Sexual Harassment; Definition**

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

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or

- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

2. Sexual harassment may include but is not limited to:

- a. unwelcome verbal harassment or abuse;
- b. unwelcome pressure for sexual activity;
- c. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of gender.

E. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

2. Sexual violence may include, but is not limited to:

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

F. Remedial response; Definition

“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.

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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

H. Assault; Definition

Assault is:

1. an act done with intent to cause fear in another of immediate bodily harm or death;
2. the intentional infliction of or attempt to inflict bodily harm upon another; or
3. the threat to do bodily harm to another with present ability to carry out the threat.

**IV. REPORTING PROCEDURES**

A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator or other school personnel of the school, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher, administrator or other school 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. The school encourages the reporting party or complainant to use the report form available from the school office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Executive Director of Seven Hills Preparatory Academy.

B. The “building report taker” is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence. At the Bloomington Campus, the Bloomington Campus Principal shall be the building report taker, and at the Richfield Campus, the Richfield Campus Principal shall be the building report taker. Any adult school district personnel who

receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Executive Director or the school board chair, as appropriate, by the reporting party or complainant. The Executive Director 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. Upon receipt of a report, the Campus Principal must notify the Executive Director without screening or investigating the report. The building report taker may request, but may not insist upon a written complaint. If the report was given verbally, the Campus Principal, as appropriate, shall personally reduce it to written form within 24 hours. Failure to record any harassment or violence report or complaint as provided herein will result in disciplinary action against the building report taker.

D. The school board hereby designates the Executive Director as the school's human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves the Executive Director, the complaint shall be filed directly with the chair of the school board.

E. The school shall conspicuously post the name of the Executive Director as the human rights officer; the official's school phone number and email address shall also be posted.

F. 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.

G. Use of formal reporting forms is not mandatory.

H. The school will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

I. 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.

J. 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.

I. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.

J. False accusations or reports of violence or harassment against another person are prohibited.

K. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or an employee who permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school's policies and procedures.

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

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

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

## **V. INVESTIGATION**

A. By authority of the school, the Executive Director, within three (3) business days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the Executive Director.

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 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 may take immediate steps, at its discretion, to protect the target or victim, complainant, pupils, teachers, administrators or other school 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 Executive Director shall make a written report upon completion of the investigation. If the complaint involves the Executive Director, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SEVEN HILLS PREPARATORY ACADEMY ACTION**

A. Upon receipt of a report, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School action taken for violation of this policy will be consistent with requirements of Minnesota and federal law and school policies.

B. The school is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. In cases of bullying, as defined in Minnesota Statute section 121A.031, subd. 2, school officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

## **VII. RETALIATION OR REPRISAL**

The school will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel 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, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, intentional disparate treatment, or harassment. 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 local educational agency 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 the school in areas accessible to pupils and staff members.

B. This policy shall be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school.

- C. This policy shall appear in the student handbook.
- D. The school will develop a method of discussing this policy with students and employees.
- E. The school may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

**Appendix G**

**POLICY 419: TOBACCO-FREE ENVIRONMENT**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

A. It shall be a violation of this policy for any student, teacher, administrator, and other school personnel of the school to use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. This prohibition includes all school property and all off-campus events sponsored by the school.

B. It shall be a violation of this policy for any school students to possess any type of tobacco or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. This prohibition includes all school property and all off-campus events sponsored by the school.

C. The school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

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

A. “Tobacco” means cigarettes; electronic cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.

B. “Tobacco-related devices” means cigarette papers or pipes for smoking.

C. “Smoking” includes carrying a lighted cigar, cigarette, electronic cigarette, pipe, or any other lighted smoking equipment.

#### **IV. EXCEPTION**

It shall not be a violation of this policy for an American Indian adult to light tobacco on school district property as a part of a traditional American Indian spiritual or cultural ceremony. An American Indian is a person who is a member of an American Indian tribe as defined under Minnesota law.

#### **V. ENFORCEMENT**

- A. All individuals on school premises shall adhere to this policy.
- B. Students who violate this tobacco-free policy shall be subject to school discipline procedures.
- C. School administrators and other school personnel who violate this tobacco-free policy shall be subject to school discipline procedures.
- D. School action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, Minnesota or federal law, and school policies.
- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school supervisory personnel responsible for the area or program at which the violation occurred.
- 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 is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

#### **VI. DISSEMINATION OF POLICY**

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

## **Appendix H**

### **POLICY 418: DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL**

#### **I. 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, medical cannabis, and controlled substances without a physician's prescription.

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

A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.

B. It shall be a violation of this policy for any student, teacher, administrator, other school personnel, or member of the public to use or possesses alcohol, toxic substances, medical cannabis, or controlled substances in any school location.

C. The school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

#### **III. DEFINITIONS**

A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.

B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.

C. "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking, approved by the commissioner.



D. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.

E. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.

F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.

G. “School location” includes any school building or on any school 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; or during any period of time such employee is supervising students on behalf of the school or otherwise engaged in school business.

#### **IV. EXCEPTIONS**

A. It shall not be a violation of this policy for a person to bring onto a school location, for such person’s own use, a controlled substance except medical cannabis which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.

B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, 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).

#### **V. PROCEDURES**

A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the school’s student medication policy.

B. Employees who have a prescription from a physician for medical treatment with a controlled substance except medical cannabis are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or

syringe. Employees shall ensure that all medications are secured and do not interfere with their ability to perform the duties of their position.

C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

D. Employees are subject to the school's drug and alcohol testing policies and procedures.

E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Executive Director.

F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility.

G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## **VI. ENFORCEMENT**

### **A. Students**

1. A student who violates the terms of this policy shall be subject to discipline in accordance with the school's discipline policy. Such discipline may include suspension or expulsion from school.

2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

### **B. Employees**

1. As a condition of employment in connection with 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 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. 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 policies.

C. The Public

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

## Appendix I

### **POLICY 501: SCHOOL WEAPONS POLICY**

#### **I. PURPOSE**

The purpose of this policy is to assure a safe school environment for students, staff and the public.

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

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

#### **III. DEFINITIONS**

##### **A. “Weapon”**

1. A “weapon” means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict injury including, but not limited to, any firearm, whether loaded or unloaded; airguns; pellet guns; BB guns; airsoft guns; paintball guns; items capable of launching projectiles; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; matches; lighters; incendiary devices; any types of fuels or oils; chemical irritants and other propellants; stun guns; ammunition; poisons; chains; arrows; needles; syringes; and objects that have been modified to serve as a weapon.

2. No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.

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

B. “School Location” includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school.

C. “Possession” means having a weapon on one’s person or in an area subject to one’s control in a school location.

#### **IV. EXCEPTIONS**

A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal’s office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or other adult employed by the school or immediately notifies an administrator, teacher or such other adult of the weapon’s location.

B. It shall not be a violation of this policy if a non-student (or student where specified) falls within one of the following categories:

1. active licensed peace officers;
2. other statutorily authorized law enforcement officers;
3. military personnel;
4. persons authorized to carry a pistol under Minn. Stat. § 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle; or
5. persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with § 97B.045.

#### **C. Policy Application to Instructional Equipment/Tools**

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

#### **D. Firearms in School Parking Lots and Parking Facilities**

A school may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carry or possession of a firearm in a school parking lot or parking facility is specifically limited to non-student permit-holders

authorized under Minn. Stat. § 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

## **V. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/DISTRIBUTION**

A. The school takes a position of "Zero Tolerance" in regard to the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:

1. confiscation of the weapon if possible;
2. immediate notification of police;
3. immediate out-of-school suspension;
4. immediate notification of parent or guardian;
5. recommendation of expulsion.

B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.

### **C. Administrative Discretion**

While the school takes a "Zero Tolerance" position on the possession, use or distribution of weapons by students, the executive director may use discretion in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

## **VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NON-STUDENTS**

### **A. Employees**

1. An employee who violates the terms of this policy is subject to disciplinary action, including but not limited to, non-renewal, suspension, or discharge as deemed appropriate by the school board.
2. Sanctions against employees, including non-renewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority and school policies.
3. When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

B. Other Non-students

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



**Appendix J**

**SEVEN HILLS PREPARATORY ACADEMY SCHOOL EMERGENCY RESPONSE  
PROCEDURE**

Seven Hills Preparatory Academy shall have in place a school emergency operations plan created in consultation with federal, state, and local community response agencies likely to be involved in emergency preparedness and assistance with a school emergency. Tailored school emergency response plans shall be developed internally. This policy and corresponding plans shall be reviewed and updated as appropriate by the Administration and School Emergency Response Team. The Executive Director shall oversee the creation, training and implementation of this School Emergency Response Plan.



**Appendix L**

SEVEN HILLS PREPARATORY ACADEMY  
2022-24 TEACHER SALARY BANDS AND STAFF RETENTION BONUSES

0-3 Completed Years of Experience		4-8 Completed Years of Experience		9-12 Completed Years of Experience		13-16 Completed Years of Experience		17+ Completed Years of Experience	
BA+	MA+	BA+	MA+	BA+	MA+	BA+	MA+	BA+	MA+
40,000-	43,000-	45,000-	50,500-	50,000-	60,000-	56,500-	71,500-	67,000-	76,000-
45,000	50,500	50,000	60,000	56,500	71,500	67,000	76,000	71,000	80,000

***MACS Average Large School Salary 20: \$47,915; SHPA Average Salary 20: \$53,162***

**Base Salary Bands and Increases**

Base Salary bands and increases are the result of a comprehensive biennial review and analysis of total full-time teacher compensation. The salary structure is intended to reflect the school’s commitment to offering competitive staff salaries, in addition to medical benefits and other professional supports, for the purpose of recruiting and retaining exceptional instructional staff.

Base salary bands and increases take into account both total years of teaching experience and education levels. As both a recruitment and retention tool, salary consideration will be given to staff hiring needs and teaching shortage areas as well as professional competencies and proficiencies based upon observations and evaluations related to individual, grade-level, and team goals. Returning teachers are eligible for a base salary increase of up to 2% based upon overall performance, budget projections, and School Board approval. Salary adjustments and inversions may then be made and reviewed annually to ensure salaries remain commensurate.

Teachers who earn a Master’s Degree related to education or their licensure area while employed at SHPA will receive a one-time \$5000 increase to their base salary.

**Retention Bonuses**

Retention bonuses recognize and reward staff commitment by providing bonuses as well as unrestricted personal days based upon years of service to the school. Bonus time is awarded during the service year; bonus pay is received at the end of the service year: commemorating the years of service will be determined annually by the administration.

- 5 Years of service at SHPA: 1 Unrestricted\* Personal Day or \$250 (Choice)
- 10 Years of service at SHPA: \$1000 + 1 Unrestricted Personal Day
- 15 - 19 Years of service at SHPA: \$1500 (one-time) + 1 Unrestricted Personal Day
- 20 - 24 Years of service at SHPA: \$2000 (one-time) + 2 Unrestricted Personal Days
- 25 - 29 Years of service at SHPA: \$2500 (one-time) + 3 Unrestricted Personal Days

*\*Unrestricted allows for this bonus personal day to be used on any day per advance notice and pending review and approval by administration.*

### **Stipends and Hourly Pay**

SHPA offers stipends to employees who consistently and regularly perform ongoing seasonal or year-long work for the school that either falls outside the scope of the responsibilities of their position or takes place outside of the regular duty day. Stipend amounts are based upon the frequency and duration of the work and paid in addition to an employee's base salary either seasonally or midyear and end-of-year depending upon the type and length of the assignment. Stipends must be approved by the school's administration and include, but are not limited to, such activities as club advisors, athletic coaches, and program coordinators or facilitators.

In addition to stipends, SHPA pays an hourly rate to employees who perform specific, temporary, project-based work that falls outside of the scope of the responsibilities of their position or takes place outside the regular duty day. Hourly rates are reviewed and set annually by school administration, which approves payments for processing time sheets on a per-project or triennial basis depending on the length and type of the duties performed. Timesheet payments may include, but are not limited to, such activities as internal teacher substitution, summer preparation, curriculum planning, and language interpretation.

### **Ongoing Commitments and Efforts**

1. Mission-driven school with proven record of growth and academic success
2. A focus on creating and sustaining a positive and supportive staff culture
3. Strong teams that participate in the discussion and decision-making process
4. Robust professional development with coaching and mentoring supports
5. Small-school environment emphasizing character values and development
6. Competitive insurance benefits and flexibility with respect to paid time off
7. Sufficient preparation time to plan lessons and schedule team meetings
8. Q Comp for achieving performance goals in addition to stipends and hourly pay
9. Early-release days to allow for professional development and other obligations
10. Compensation competitive to similar schools and within 90% of resident districts

**Appendix M**

**Employee Stipend Agreement**

SHPA offers stipends to employees who consistently and regularly perform ongoing seasonal or yearlong work for the school that either falls outside the scope of the responsibilities of their position or takes place outside of the regular duty day. Stipend amounts are based upon the frequency and duration of the work and paid in addition to an employee's base salary either seasonally or midyear and end-of-year depending upon the type and length of the assignment. Stipends must be approved by the school's administration and include, but are not limited to, such activities as club advisors, athletic coaches, and program coordinators or facilitators.

The following employee is eligible to receive a stipend in the amount indicated for the positions listed below. The Employee is expected to work the number of hours necessary to perform the specific duties and to meet the professional expectations as these are set forth separately for each stipend position. The appropriate Administrator/Supervisor has the authority to modify the duties and expectations of each stipend position as it sees fit, and to oversee, direct, and review the employee's performance in the stipend position as it deems necessary.

Name of Employee: \_\_\_\_\_

Stipend Position: \_\_\_\_\_

Stipend Amount: \_\_\_\_\_

Payment Date(s): \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator/Supervisor Signature

\_\_\_\_\_  
Date