

BEMIDJI MIDDLE SCHOOL 2016/2017

STUDENT/PARENT HANDBOOK

This Handbook belongs to the family of:

(Student Name here)

in *(Student Pod here)* Pod



2016/2017

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Dear Student and Parent:

Welcome to Bemidji Middle School-Home of the Lumberjacks. On behalf of the faculty, we would like to welcome you to Bemidji Middle School for the coming year. We hope that the 2016-2017 school year will be rewarding and productive for you.

We are looking forward to assisting you in fulfilling your educational goals. Bemidji Middle School has a history of fine academic and extra curricular achievement. We expect you to meet the educational goals you have set, to carry on the tradition of excellence at BMS, and to make this a better place. You can benefit from everything Bemidji Middle School has to offer by being actively involved in your classes and the programs you choose to participate in.

If you encounter difficulties, seek out one of our principals, your counselor, or any of our trained professionals, and we will help you. We are here to make your years in Middle School as successful, yet educationally challenging, as possible. We welcome the opportunity to assist you through your Middle School career.

**Our Mission is to empower each learner to succeed
in our diverse and changing world.**

We are committed to creating an environment where...

1. each learner will be challenged to develop to his/her full potential.
2. basic knowledge, skills and attitude are necessary for success.
3. learning is a life-long process that enriches our lives.
4. education is a partnership with family and community.
5. each person will show sensitivity and respect for self and others.
6. there are expectations of quality for ourselves and for others.

Administrative Team

Drew Hildenbrand
Principal

Brandon Bjerknes
Asst. Principal
Last names A-K

Andra Vaughn
Dean of Students
Last names L-Z

Pauline Winge
School Social Worker

Amanda Stade
School Counselor
Last names A-K

Travis Zachman
School Counselor
Last names L-Z

Jon Hunt, *Police Liaison/DARE Officer*

OFFICE DIRECTORY**218-333-3215****Ms. Daman STUDENT ATTENDANCE ext #52004**

Mr. Hildenbrand	Principal	ext #52041
Mr. Bjerknes	Asst. Principal (Last names A-K)	ext #52031
Ms. Vaughn	Dean/Activities Director (Last names L-Z)	ext #52021
Ms. Stade	Counselor (Last names A-K)	ext #58171
Mr. Zachman	Counselor (Last names L-Z)	ext #51961
Ms. Winge	Social Worker	ext #58181
Mr. Boles	School Psychologist	ext #51931
Ms. Sanford	Principal's Secy	ext #52051
Ms. Elting	Registrar	ext #52005
Ms. Uhlenhopp	BMS Secy	ext #52002
Ms. Allison	Special Ed Secy	ext #51901
Ms. Hatfield	Health Assistant	ext #51941

Daily Schedule

Our school day begins at 8:35 a.m. and concludes at 3:20 p.m. The school day is divided into six 60 minute/periods with a 25 minute lunch period.

6th Grade

1st Hour	8:35 - 9:35	Basic
2nd Hour	9:39 - 10:39	AEnr
Lunch	10:42 - 11:07	Lunch
3rd Hour	11:09 - 12:09	Basic
4th Hour	12:13 - 1:13	Basic
5th Hour	1:17 - 2:17	AEnr
6th Hour	2:20 - 3:20	Basic

7th Grade

1st Hour	8:35 - 9:35	AEnr
2nd Hour	9:39 - 10:39	Basic
3rd Hour	10:43 - 11:43	Basic
4th Hour	11:47 - 12:47	AEnr
Lunch	12:50 - 1:15	Lunch
5th Hour	1:17 - 2:17	Basic
6th Hour	2:20 - 3:20	Basic

8th Grade

1st Hour	8:35 - 9:35	Basic
2nd Hour	9:39 - 10:39	Basic
3rd Hour	10:43 - 11:43	AEnr
Lunch	11:46 - 12:11	Lunch
4th Hour	12:13 - 1:13	Basic
5th Hour	1:17 - 2:17	Basic
6th Hour	2:20 - 3:20	AEnr

A/A Regular Schedule

1st Hour	8:35 - 9:35	7th Grd
2nd Hour	9:39 - 10:39	6th Grd
3rd Hour	10:43 - 11:43	8th Grd
4th Hour	11:47 - 12:47	7th Grd
Lunch	12:50 - 1:15	Lunch
5th Hour	1:17 - 2:17	6th Grd
6th Hour	2:20 - 3:20	8th Grd



Bemidji Middle School 'Happenings' and Information 2016/2017

Fall Activities Registration Night

Aug 11th – 6:30 – 8:00

Football Leadership Camp for 8th Grd	Monday, August 22 nd	2:00 - 4:00 p.m. – Meet at the Flag Pole doors
6th, 7th & 8th Grade Football Camp	Tuesday thru Thursday, August 23 rd – 25 th	1:00 - 2:30 p.m. at the High School Practice Facility.
Football Equipment Hand Out	Schedule:	
8th Graders	Tuesday, August 23 rd	3:00 - 5:30 p.m. *After Camp go to BMS
7th Graders	Wednesday, August 24 th	3:00 - 5:30 p.m. *After Camp go to BMS
6th Graders	Thursday, August 25 th	3:00 - 5:30 p.m. *After Camp go to BMS
7th & 8th Grade Football Practice	Monday, August 29 th	3:30 - 5:30 p.m.
6th Grade Football Practice	Tuesday, August 30 th	3:30 - 5:15 p.m.
Girls Tennis	Monday, August 22 nd	3:30 p.m. - 5:30 p.m.
Girls Swimming and Diving	Monday, August 29 th	3:30 - 5:30 p.m.
Boys & Girls Cross Country Running	Monday, August 22 nd	3:30 - 5:30 p.m.
Boys & Girls Soccer	Monday, August 22 nd	3:30 - 5:30 p.m.
History Day, Jazz Band and SNAP	Mid September - Watch the bulletin for further information	
Volleyball (7th & 8th Grade only)	Monday, August 22 nd	3:30 - 5:30 p.m.

Aug 11	Fall Activities Registration Night	Jan 16	Martin Luther King Jr. Day – No School
Aug 22	BMS Football Leadership Camp 8 th Grd	Jan 25	Early Release-1:20-3:20
Aug 23-25	Football Camp for 6 th , 7 th , 8 th Grd @ BHS	Jan 27	End of Term 2
Aug 30	6 th Grade and New Student Orientation Day (8:15 – 11:00 a.m.)	Feb 2	BMS Science Fair
Sep 5	Labor Day – No School	Feb 10	Dance (6:30 – 9:00 p.m.)
Sep 6	Student's first day	Feb 15	Early Release- 1:20-3:20 p.m.
Sep 20	6 th , 7 th , 8 th Grade Activity Night (5:30 – 8:00 p.m.)	Feb 20	Presidents' Day – No School
Sep 30	School Pictures	Feb 27	Mid Term 3
Sep 30	Dance (6:30 – 9:00 p.m.)	Mar 9-10	Spring Conferences
Oct 3	Staff Development – No School	Mar 15	Early Release – 1:20 – 3:20 p.m.
Oct 6	Mid Term 1	Mar 31	End of Term 3
Oct 20-21	ED Minnesota – No School	Mar 31	Dance (6:30 – 9:00 p.m.)
Oct 28	Dance (6:30 – 9:00 p.m.)	April 3	Orchestra Spring Concert
Nov 3-4	Fall Conferences	Apr 14	Spring Break
Nov 11	End of Term 1	May 2	Mid Term 4
Nov 12	2 nd Annual BS Craft Fair	May 16	Chorus Spring Concert
Nov 23	Early Release – 1:20 – 3:20 p.m.	May 19	Career Day
Nov 24-25	Thanksgiving – No School	May 19	Dance (6:30 – 9:00 p.m.)
Dec 2	The BMS BASH (6:30 – 9:00 p.m.)	May 22	Band Spring Concert
Dec 5	Winter Concert/Band	May 27	BHS Graduation
Dec 13	Winter Concert/Chorus	May 29	Memorial Day – No School
Dec 16	Mid Term 2	May 30	Four 'A' / NJHS Awards Ceremony
Dec 20	Winter Concert/Orchestra	Jun 1	Lumberjack Awards Celebrations
Dec 23-Jan 2	Winter Break	Jun 2	End of Term 4/ Students' Last Day
		Jun 5	Valley Fair

Bemidji Area Schools 2016-2017 School Calendar

AUGUST 2016							SEPTEMBER 2016							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
	1	2	3	4	5	6					1	2	3	August 29-31.....Teacher Day
7	8	9	10	11	12	13	4	5	6	7	8	9	10	September 1.....Teacher Half-Day
14	15	16	17	18	19	20	11	12	13	14	15	16	17	September 5.....Labor Day
21	22	23	24	25	26	27	18	19	20	21	22	23	24	September 6.....Students' First Day
28	29	30	31				25	26	27	28	29	30		
<i>0 Student/3 Teacher</i>							<i>19 Student/19.5 Teacher</i>							
OCTOBER 2016							NOVEMBER 2016							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
						1					3	4	5	October 3.....Staff Development
2	3	4	5	6	7	8	6	7	8	9	10	11	12	October 20-21.....Education Minnesota
9	10	11	12	13	14	15	13	14	15	16	17	18	19	November 3-4.....Conferences
16	17	18	19	20	21	22	20	21	22	23	24	25	26	November 23.....Student Early Release
23	24	25	26	27	28	29	27	28	29	30				November 24-25.....Thanksgiving
30	31													
<i>18 Student/19 Teacher</i>							<i>17.75 Student/20 Teacher</i>							
DECEMBER 2016							JANUARY 2017							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
				1	2	3	1	2	3	4	5	6	7	December 23 – January 3.....Winter Break
4	5	6	7	8	9	10	8	9	10	11	12	13	14	January 16.....Martin Luther King Jr Day (or Snow Make-up Day if Needed)
11	12	13	14	15	16	17	15	16	17	18	19	20	21	January 25.....Student Early Release
18	19	20	21	22	23	24	22	23	24	25	26	27	28	
25	26	27	28	29	30	31	29	30	31					
<i>16 Student/16 Teacher</i>							<i>19.75 Student/20 Teacher</i>							
FEBRUARY 2017							MARCH 2017							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
			1	2	3	4				1	2	3	4	February 15.....Student Early Release
5	6	7	8	9	10	11	5	6	7	8	9	10	11	February 20.....Presidents' Day (or Snow Make-up Day if Needed)
12	13	14	15	16	17	18	12	13	14	15	16	17	18	March 9-10.....Conferences
19	20	21	22	23	24	25	19	20	21	22	23	24	25	March 15.....Student Early Release
26	27	28					26	27	28	29	30	31		
<i>18.75 Student/19 Teacher</i>							<i>20.75 Student/23 Teacher</i>							
APRIL 2017							MAY 2017							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
						1								April 14.....Spring Break
2	3	4	5	6	7	8	7	8	9	10	11	12	13	May 27.....BHS Graduation
9	10	11	12	13	14	15	14	15	16	17	18	19	20	May 29.....Memorial Day
16	17	18	19	20	21	22	21	22	23	24	25	26	27	
23	24	25	26	27	28	29	28	29	30	31				
30														
<i>19 Student/19 Teacher</i>							<i>22 Student/22 Teacher</i>							
JUNE 2017														
S	M	T	W	T	F	S								
				1	2	3								June 2.....Students' Last Day
4	5	6	7	8	9	10								June 5.....Teachers' Last Half-Day
11	12	13	14	15	16	17								
18	19	20	21	22	23	24								
25	26	27	28	29	30									
<i>2 Student/ 2.5 Teacher</i>														

End of 1st Term.....November 11
 End of 2nd Term.....January 27
 End of 3rd Term.....March 31
 End of 4th Term.....June 2

Bemidji Middle School
Two Hour Late Start Schedule
Lumberjack Schedule
2016/2017

16/17 - 6th Graders/Allied Arts:

HOUR 1 10:35 – 11:15
LUNCH 11:19 – 11:44
HOUR 2 11:48 – 12:28
HOUR 3 12:31 – 1:11
HOUR 4 1:14 – 1:54
HOUR 5 1:57 – 2:37
HOUR 6 2:40 – 3:20

16/17 - 7th Graders:

HOUR 1 10:35 – 11:15
HOUR 2 11:18 – 11:58
HOUR 3 12:01 – 12:41
LUNCH 12:45 – 1:10
HOUR 4 1:14 – 1:54
HOUR 5 1:57 – 2:37
HOUR 6 2:40 – 3:20

16/17 - 8th Graders:

HOUR 1 10:35 – 11:15
HOUR 2 11:18 – 11:58
LUNCH 12:02 – 12:27
HOUR 3 12:31 – 1:11
HOUR 4 1:14 – 1:54
HOUR 5 1:57 – 2:37
HOUR 6 2:40 – 3:20

Bemidji Middle School
Early Release Schedule
November 23, 2016 and January
25, February 15, March 15, 2017

16/17 - 6th Graders/Allied Arts:

HOUR 1 8:35 – 9:15
HOUR 2 9:18 – 9:58
***LUNCH* 10:01 – 10:26**
HOUR 3 10:29 – 11:09
HOUR 4 11:12 – 11:52
HOUR 5 11:54 – 12:39
HOUR 6 12:41 – 1:20

16/17 - 7th Graders:

HOUR 1 8:35 – 9:15
HOUR 2 9:18 – 9:58
HOUR 3 10:01 – 10:41
HOUR 4 10:43 – 11:24
***LUNCH* 11:27 – 11:52**
HOUR 5 11:54 – 12:39
HOUR 6 12:41 – 1:20

16/17 - 8th Graders:

HOUR 1 8:35 – 9:15
HOUR 2 9:18 – 9:58
HOUR 3 10:01 – 10:41
***LUNCH* 10:43 – 11:08**
HOUR 4 11:12 – 11:52
HOUR 5 11:54 – 12:39
HOUR 6 12:41 – 1:20

ACADEMIC DISHONESTY

Academic dishonesty is the act of participating in obtaining or attempting to obtain credit for work by the use of dishonest, deceptive, fraudulent, or unauthorized means. Consequence will range from Loss of credit, ISS, or OSS.

ADDENDUM

This handbook may be updated during the school year. Teachers, parents and students will be made aware of specific changes, by the building principal, before the rule/policy goes into effect.

APPOINTMENTS (DENTIST/ORTHODONTIC/DOCTOR'S) and MESSAGES

Only Parents/Guardians listed in our Student Database are allowed to pick up children from school. If other arrangements need to be made, a note or phone call from the parent/guardian is required. Students will be called to the office once the parent/guardian arrives to sign them out. Students may not leave the school building during the regular school day on their own.

Any change of plans by parents that must be communicated to their son/daughter, should be made to the Attendance Office prior to 3:00 P.M.

ATTENDANCE

Students are to be in school except in cases of emergency or for reasons stated below. All students must follow our School District's Attendance Policy. Open enrolled students could be at risk of losing open enrollment status if the policy is not followed. See page 8-11 below. Parents need to call the school one week prior to a vacation. If possible, course work may be given to students prior to their vacation. Students have two days for every day gone to make-up work (ex. gone five days = ten days to complete work).

These are the only reasons for being absent from school:

1. Personal illness - The school may require the certificate of a doctor if it is deemed advisable.
2. Illness in the family - All schoolwork should be kept current.
3. Quarantine in the home - This is limited to the length of quarantine set by the proper health official.
4. Observance of a religious holiday.
5. Funerals.
6. Any other reason must be excused by the school PRIOR to the absence.

ATTENDANCE KEY

- TARDY – a student will be considered tardy to class if he/she is *less* than 7 minutes late.
- UNEXCUSED – Absent without being excused.
- TRUANT – any unexcused absence i.e. skipping without legal cause.
- KEY to attendance codes: W=unexcused, N=nurse, I=behavior intervention room, O=Office or meeting w/support staff (excused), D=dismissed, E=excused, L=tardy, S=out of school suspension, A=absence excused, E=extra curricular, H=Homebound, T=truancy

Admit Procedures

1. **Students should remind their parent or guardian to contact the attendance office (333-3215 ext # 52004) prior to, the day of, or no later than 10:00 A.M. the day after the absence and when possible to schedule appointments during non-school hours.**
2. A parent or guardian should write an excuse giving your name, the date, the dates of absences, the reason for the absence and his/her signature.
3. To receive your **ADMIT SLIP**; turn your note in to the Attendance Office on your first day back. If you forget it the first day, it must be given to the attendance secretary within 2 days of your absence.

Unexcused Absences

1. If a student does not have parent verification of an absence, the student will receive an unexcused admit to class.

INSTRUCTION - K-12 ATTENDANCE POLICY

Philosophy

Attendance is critical to student achievement. Classroom instruction and participation are essential parts of the learning process. Regular attendance in all classes is vital to insuring a quality learning experience for all students. Regular attendance in all classes is vital to ensuring a quality learning experience for all students. Regular class attendance instills self-discipline and exposes students to group interactions with teachers and peers. It enables students to hear and participate in class discussion and involves them in educational environments not available elsewhere. Make-up assignments can never fully replace the learning experience students miss when they are absent from class.

The federal ESSA (Every Student Succeeds Act) legislation insists upon good attendance (90%) and holds public schools accountable for improving student attendance. Minnesota state law specifically outlines the expectation for students to attend school. State law also states that all students have a right to a free, public education.

Bemidji Area Schools takes on the responsibility of encouraging high rates of attendance in a user-friendly environment. The Bemidji School District recognizes that daily attendance and participation are strong indicators of student success and academic achievement. Frequent absences interfere with learning and leave students at high risk for educational failure. Attendance requirements at the various grade levels are a reflection of the age of the students and the needs of that educational environment. This attendance policy respects those requirements and needs.

This policy also recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher and administrator. Attendance habits begin in the primary grades. Frequent absences interfere with the learning process and leave students at high risk for educational failure. Students at the elementary level have limited control over circumstances in the home that may prevent them from getting to school regularly and on time. It is the belief of the Bemidji Area Schools that the primary responsibility for student attendance at the elementary level falls on the parents/guardians.

Attendance Incentives

Each school is encouraged to develop an internal attendance incentive program. The program will include strategies for encouraging students to attend school regularly and reward those with good attendance records. The incentive program shall also include strategies to assist students who have attendance problems. The incentive programs will focus on students, but may also include parent or family rewards or incentives.

Minnesota Department of Children, Families and Learning Requirements

In accordance within the regulations of the Minnesota Department of Education and the Minnesota Compulsory Instruction Law, M.S. 120.101, the students of the school district are required to attend all assigned classes every day school is in session.

Truancy and Educational Neglect: Minnesota Compulsory Attendance Laws

According to Minnesota State Statute (260C.007, Subd. 19), "habitual truant" means a child under the age of 16 years who is absent from attendance at school without lawful excuse for seven school days if the child is elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under section 120A.22, subdivision 8."

As per Minnesota Statute 260A.01., an elementary student is considered continuing truant when there have been three or more unexcused absences without a lawful excuse. Parents who do not send their children to school regularly may be charged with educational neglect. Educational neglect is legally defined as a parent's failure to ensure the child's regular attendance at school.

Bemidji Middle School Attendance Policy

Student Responsibilities:

1. Students are to attend class daily and arrive on time.
2. Students and parent/guardian are asked to sign a verification form indicating the attendance policy has been read and understood.
3. Students are responsible for completing make-up assignments, tests and quizzes within two school days for each day absent unless previous arrangements have been made with the classroom teacher.
4. Students may not leave school grounds without permission for any reason. Permission may be granted to leave the building by the attendance office or the health office.
5. Student should remind the parent to contact attendance office prior to, the day of, or no later than 10:00 A.M. the day after the absence and when possible to schedule appointments during non-school hours.
6. Student is to follow admit slip procedures outlined in each building for absence and reporting late for class.

Parent/Guardian Responsibilities:

1. Parents are expected to insure that their children attend school.
2. Parents are asked to inform the school of absences prior to, the day of, or no later than 10:00 A.M. the day after the absence.
3. Parents are asked to try to schedule student appointments outside the school day to minimize the impact of his/her absence on attendance.
4. Parents are asked to notify the attendance office of an extended absence prior to the start of the absence.
5. Parents are asked to contact the attendance office, counselor, social worker, advisor or teacher if there are any concerns about the student's attendance.
6. Parents who suspect their child is not attending school should contact the school attendance office.

Teacher/School Responsibilities:

1. Teachers will take attendance daily, regularly and accurately.
2. When a student is absent teachers will inform the student of missing assignments and dates they are due.
3. Teachers will encourage students to attend school and will report frequent absences.
4. Teachers are expected to communicate concerns about attendance to parents.
5. Teachers should report any discrepancies in the daily attendance to the attendance office.
6. Teachers should be familiar with all procedures governing attendance and to apply these procedures uniformly.
7. Teachers should have students and parents sign a verification form stating they have received, read and understand the attendance policy.

Administrator Responsibilities:

1. Administrators will inform students, teachers and parents/guardians of the attendance policy.
2. Administrators will communicate and apply procedures developed to address attendance concerns.
3. Administrators are expected to communicate with parents when student attendance becomes a concern and encourage parents to remediate any attendance problems.
4. The administrators will ensure that attendance of students is monitored regularly. Parents or guardians will be contacted when attendance concerns (absences and tardies) are noted.
5. Administrators will plan interventions for students with excessive absences/tardies.
6. Administrators will hold teachers accountable for recording accurate attendance.
7. Administrators will facilitate and participate in the appeals process.

General Procedures:

Classifications for “Excused” and “Unexcused” absences will exist for the purpose of tracking truanancies and for safety reasons. Excused absences will be any absence excused by the parent ahead of time, the day of the absence, or up until 10:00 A.M. the day following the absence. “Unexcused” absence will be any absence in which the parent does not contact the school within the designated time frame. Contact can be by phone or in the form of a note, however a phone call is preferred. Number to call: 333-3215 extension # 52004.

Interventions and Reporting:

Absences will be recorded in the attendance office when a written note or phone call is received from the parent or guardian. Parents are to contact the attendance office prior to the absence, the day the absence occurs or up until 10:00 the day following the absence.

The Attendance Review Team (ART) is made up of the principals, counselors, social worker, truancy intervention coordinator, Indian Education Home School Liaison etc.

Extra curricular activities are not counted as absences.

BMS Offers a volunteer Beltrami County truancy/tracker program at parent or school request.

First Intervention:

- Students who are absent are required to make up assignments or complete alternative assignments as determined by the classroom teacher.
- Students will be given two days for each day missed or as arranged through contract with the teacher to complete make-up assignments.
- A student’s attendance concerns are reviewed at an attendance review meeting.
- An attendance printout and a school policy letter will be sent to parents/guardians of students whose average daily attendance falls below 80 percent.

Second Intervention:

- Review absences of students who miss 20 percent or more days and/or students who are truant two or more times.
- The attendance monitor will personally contact students (and phone home) who miss additional days/periods after the printout is sent home.

Third Intervention:

- If there is no improvement in attendance, the case will be reviewed by the Attendance Review Team (ART) and one or more of the following will be implemented:
 - a. home visit or parent meeting
 - b. students will be referred to the Truancy Intervention Program
 - c. referral to social services for educational neglect

Fourth Intervention:

- If there is no improvement in attendance after the third intervention has been made, a truancy petition will be filed.

Other:

- All students shall be provided a copy of the attendance policy and procedures.
- When a student’s average attendance falls below 80 percent, the parent will be notified by letter at mid-quarter or on the report card at the end of each quarter.

Appeal Process:

1. Within five school days after the eighth absence, a student and parent or guardian must request an appeal by the Attendance Review Team. The request may be in writing, in person, or by a phone call to the school administrator. The Attendance Review Team may consist of: counselor, social worker and/or Indian Education liaison, and at least one of the student’s classroom teachers. A request for review of absences in a timely manner may be made in writing, in person, or by phone call to the school administrator.
2. At the appeal, the administrator’s role will be to present the information and reasons for the prior decision to the ART. The Attendance Review Team (ART) shall hear all appeals.
3. A parent or guardian and the affected student should appear in person at the appeal.

4. Upon recommendation of the review committee or administrator, the school administrator will notify the student and parent within three school days of the decision of the appeal.
5. After the appeal, the student will be expected to attend all scheduled classes. The parents/guardians may call the attendance office and check on their child's attendance.

ISD NO.31
 SBR 400-25-1
 ORIGINAL: JULY 17, 2000
 REVISED: JULY 21, 2003

BEHAVIOR TICKET

BEHAVIOR TICKET			
Name _____	Date _____	Pod _____	
<u>HALLWAY/CLASSROOM (Explain on Back)</u>			
___ Running	___ Pushing/Shoving/Kicking		
___ Cafeteria	___ Classroom Disruption		
___ Language	___ Insubordination		
___ No Hallway Pass	___ Misuse of Electronics during school hours		
Staff recommendation	___ Warning	___ Lunch or After School Detention	___ Room 1003
Staff Signature _____	Administrator Signature _____		

BUS REGULATIONS

Riding the school bus is a privilege. Improper conduct will result in that privilege being denied. Only regularly scheduled bus students are to ride the school buses.

The Student Transportation Safety Policy (SBR 500-10-1) was revised on August 19, 2002. In order to control the load counts on the school buses, the school district will enforce the following:
 One pickup and one drop off location. Elementary students will be transported in the attendance area of the school they attend. Elementary students will not be allowed to transfer through the Middle School unless they have a Bus Pass issued from the Transportation coordinator. Bus passes will be issued for students that have verified parental joint custody.

No daily changes to any location. The bus drivers will not accept notes written by parents or school staff. Students will be instructed to return to the school building and may miss their assigned bus ride.

- No friends will be allowed on the bus. The bus drivers will not accept notes written by parents or school staff. This would include birthday parties, sleepovers, etc.
- Students will be instructed to return to the school building and may miss their assigned bus ride.
- Students will not be transported to locations for work, music lessons, driver education, etc. The bus drivers will not accept notes written by parents or school staff. Students will be instructed to return to the school building and may miss their assigned bus ride.
- Any violations of these provisions may result in loss of bus privileges on all buses.

If you have any questions, please contact the Bemidji Area Schools Transportation Department at (218) 333-3225.

CAFETERIA CONDUCT

Student behavior in the cafeteria is based on courtesy and cleanliness. You are responsible for cleaning up your table and the area around it. Students remain in the cafeteria/outside until they are dismissed for their next class. Upon arriving to the cafeteria they should get all of their food and sit down. They should remain seated until they are dismissed. Students who throw food may receive 1-3 days ROOM 1003, lunch detention, and/or loss of privileges.

CODE OF CONDUCT

The code of conduct is designed to be fair, firm and consistent for all students in the Bemidji Area Schools. They apply to Bemidji Area Schools students in any school or other district building, on district property, in district vehicles and at school or district events. A complete copy of the Code of Conduct is published in the district newsletter prior to the start of each school year. **(*Codes of Conduct are covered under SBR 700-40-4)**

COMPLAINTS OR CONCERNS

If a student or parent/guardian has a concern about a school policy or an employee, the following procedure should be followed in order to resolve the problem as quickly as possible:

1. Contact the person whom you have a complaint with and discuss both sides of the story.
2. If the problem still exists, contact the designated assistant principal.
3. If still unresolved, contact the principal's office.

DAILY BUILDING SCHEDULE

Supervision of students begins at 8:05 a.m. When students arrive to school before 8:12 a.m., they are to remain in the cafeteria or by the Attendance Office. Students will be dismissed to their locker areas at the 8:12 a.m. bell. Classes begin at 8:35 a.m. and school ends at 3:20 p.m. All students not under the direct supervision of a teacher, coach or other staff member need to leave the building by 3:30 p.m. Late activity students will be supervised within an area of the building determined by the hall supervisor.

DANCES/PARTIES

Parties and Dances will be held from 6:30 p.m. - 9:00 p.m. unless otherwise advertised. School personnel will leave at 9:30 p.m. Only current active students attending Bemidji Middle School will be allowed to attend

- Students assigned to all or part of the day in Room 1003 the week of the dance will not be allowed to attend the dance.
- Students assigned an Out of School Suspension during the week of the dance will not be able to attend the dance.
- Students will dress and act appropriately for school dances.
- Students must be in school or at a school activity on the day of a dance to be eligible to attend.
- Because consistent supervision cannot be provided, students should not stay after school to wait for a dance to begin.

DARE

Our Police Liaison Officer teaches an ten week course of Drug Abuse Resistance Education (D.A.R.E.) to our sixth grade students. He is also the Bemidji Middle School Resource Officer and is an integral part of our Middle School team and is utilized when there are reports of drugs and violence.

DELIVERIES

Students will not receive deliveries from local businesses during the school day, e.g., flowers. Students will be notified that they may pick up the delivery at the end of the day.

DETECTION/PROTECTION CANINES

Detection and Protection Canines come into our building on a regular basis. The middle school utilizes detection working dogs in lockers and empty classrooms to assist in keeping our school safe and drug free. Protection canines may, on occasion, accompany K-9 trained Law enforcement officials at the middle school.

DETENTION/SUSPENSION/ROOM 1003/LUNCH DETENTION

Detention will be given for general infractions of school rules. Students are given detention assignments in advance so they can make arrangements for transportation home. After school detention is held on Wednesdays and Thursdays from 3:25 p.m. to 4:30 p.m. Students must bring work to do with them and remain in their assigned seat until the supervisor dismisses them from detention.

Suspension/Room 1003 is usually a result of a more serious offense such as: truancy, fighting, use of tobacco or drugs, willful destruction or defacing of school property, and over-all behavior which is detrimental to others. Parents will be notified in all cases of detention, Room 1003 and suspension.

Students who do not attend the assigned detention will be reassigned detention with additional detention time and may be suspended or assigned Room 1003.

Lunch detentions may be assigned to students who disrupt classrooms, are tardy for class and for other infractions of school rules.

DIRECTORY INFORMATION

Information about students will be handled according to SBR 700-60-01. Copies of this policy are available in the Middle School Office. Certain information has been classified as directory, or public information. If you do not want this information disclosed you must notify us.

DISTRUPTIVE DEVICES

Various other items that may be disruptive or unsafe should not be brought to school including, but not limited to, water guns, water balloons, toys, laser pointers, or other noise, smell, or smoke producing devices. Many of these items fall under the guidelines of the District Weapons Policy, and appropriate administrative action will be taken.

DISCIPLINE CODE - BEMIDJI MIDDLE SCHOOL

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
Abusive Language/Profanity	Detention/Room 1003	Room 1003	Room 1003/ Suspension
Tardiness (per quarter)	Up to 5 tardies = up to 5 lunch detentions	Up to 10 tardies = after school detention and loss of privileges	Habitual more than 15 Room 1003/loss of privileges
Truancy	Detention/Room parent contact	Detention/room 1003/parent conference	Suspension parent conference
Harassment toward PEERS (verbal or electronic)	Possible detention/Room 1003/Code of Conduct	Possible detention/Room 1003/Code of Conduct	Possible detention/Room 1003/Code of Conduct

DISCIPLINE - OTHER VIOLATIONS

Inappropriate hallway/classroom behavior	Detention/room 1003/suspension
Locker sharing/destruction of	Detention/room 1003
Skipping/No pass in hallway	Detention/ loss of privileges
Cell Phones and other electronic devices	Parents will pick up items from the office
Throwing Snowballs	Detention/Room 1003
Excessive writing on self or others	Detention/room 1003/suspension

DISCIPLINE POLICY

It is required now that school districts’ discipline policies contain a provision that states, “A teacher, school employee, school bus driver or other agent of a district may use reasonable force in compliance with Minnesota Statutes §121A.582 and other laws.”

DRESS GUIDELINES

All of the attitudes and behaviors of students and staff contribute to the climate of the Middle School. Individual student dress and the appearance of students contribute to a school climate in a positive or negative manner. Wearing apparel and hair shall be neat, clean, safe and should not disrupt the instructional process.

The safety of all students is a parallel issue thus all students are expected to dress appropriately. Staff members who feel a student is dressed inappropriately will refer student to the office.

Students not adhering to this dress code will be asked to change into appropriate clothing, have a parent conference, be assigned detention/ Room 1003 and/or will be sent home.

The following are examples of unacceptable dress/clothing:

- Caps and hats
- Backless, low cut, off shoulder shirts, spaghetti straps, midriff shirts, or any see-through garments
- Dresses or shorts no shorter than four inches above the knee (the length of a folded sheet of 8 1/2 by 11 inch paper)
- Clothing with revealing holes or cutouts
- Visible underclothing, including bra straps and underwear
- Apparel that is sexually suggestive or that features crude/vulgar printing or pictures that depict drugs, tobacco, alcoholic beverages, racial/ethnic slurs or gang affiliation
- Any gang related apparel such as altered hats and bandannas of any color
- Wallet chains 12 or more inches long
- Baggy pants and shorts worn below the waist
- Extra-long belts
- Bare feet, stocking feet or slippers
- Wearing or carrying coats, backpacks, or sling bags during school hours

DROPPING/ADDING CLASSES

Students may not add or drop classes after the first 3 days of each quarter.

DRUGS AND ALCOHOL ABUSE

Please refer to Code of Conduct.

ELECTRONIC DEVICES

BMS staff understands that many students have cell phones, cameras and other electronic devices. Students may appropriately use cell phones, ipods, etc. before 8:30 a.m. and after 3:20 p.m. in the school building. If an item is confiscated the school will not be responsible for theft or damage of item. We encourage students to leave cell phones at home, but if brought to school, it is **strongly encouraged devices be turned off and kept in the student's locker during the school day.** If a student is using their electronic device/cell phone, it will be confiscated and brought to the school office. Parents are asked to pick up their child's cell phone from the office, during regular office hours.

Any inappropriate movies, pictures of teachers, students or school activities are prohibited. It is a violation to photograph or videotape anyone without his or her permission.

The use of camera phones **is strictly forbidden in private areas, such as locker rooms, washrooms, dressing areas, classrooms, and offices at any time.** Camera phone violations may be referred to the Code of Conduct when necessary. Such use may also be in violation of the criminal code.

BMS will send out a notice of unclaimed electronic devices at the end of the school year. Electronic devices unclaimed by July 1 of each year will be donated to a charitable cause.

EXTRA CURRICULAR

Students participating in athletics for the first time are required to have a physical examination. Parents must sign a waiver annually which will be kept on file in the office. A participation fee is charged to students involved in extracurricular activities. The waiver and fee must be on file in the office before a student can participate; (school does not provide insurance).

Students riding on a bus for an out-of-town activity must return on the bus unless the parents personally make advance arrangements with the school, coach, or a principal stating that they will be responsible for the student on the return trip. (Late activity students will be supervised within the confines determined by the hall monitor).

Guidelines of the Extra-Curricular Accountability Policy:

- **First Infraction:** their coach or advisor will address the student.
- **Second infraction:** The coach or advisor will call the parent(s)/guardian(s) and the Activities Director. The coach could assign loss of playing time.
- **Third Infraction:** The coach or advisor will call the parent(s)/guardian(s) and the Activities Director. The coach could assign additional loss of playing time.
- **Fourth Infraction:** The coach or advisor will notify the parent(s)/guardian(s) and the Activities Director. The team of vested adults will meet and determine what is in the best interest of the student-athlete pertaining to their continued or discontinued participation in the Extra-Curricular activity.

***Policy and Procedure for students to participate in High School Extra Curricular Sports:**

Please refer to page 34 for School Board Regulation 400-90-2R – Middle School Extra Curricular Program Administrative Procedures.

FAMILY ACCESS

The Family Access portal allows parents and guardians to view information related to their student's school experience. Among other things, the portal currently features Student Demographic information, Attendance, Discipline, Test Score date, Food Service information, and the ability to set up email notifications when attendance event occurs, or when your food service balance is low. To sign up for Family Access, call 218-333-3225.

FIELD TRIPS

Students who choose to not participate in a scheduled overnight field trip are expected to attend school. The supervising teacher(s) will give alternative assignments.

I. PURPOSE

The purpose of this policy is to provide guidelines for student trips and to identify the general process to be followed for review and approval of trip requests.

II. GENERAL STATEMENT OF POLICY

It is the general expectation of the school board that all student trips will be well planned, conducted in an orderly manner and safe environment, and will relate directly to the objectives of the class or activity for which the trip is requested. Student trips will be categorized within three general areas:

A. Instructional Trips

Trips that take place during the school day, relate directly to a course of study, and require student participation shall fall in this category. These trips shall be subject to review and approval of the building principal, and shall be financed by school district funds within the constraints of the school building budget. Fees may not be assessed against students to defray direct costs of instructional trips. (Minn. Stat. § 123B.37, Prohibited Fees)

1. The school board acknowledges and supports the efforts of booster clubs and similar organizations in providing extended trip opportunities for students.

B. Supplementary Trips

This category pertains to those trips in which students voluntarily participate and which usually take place outside the regular school day. Examples of trips in this category involve student activities, clubs, and other special interest groups. These trips are subject to review and approval of the activities director and/or the building principal. Financial contributions by students may be requested. (Minn. Stat. § 123B.36, Authorized Fees)

C. Extended Trips (Out of State, Out of Country, and/or Overnight)

1. Trips that involve one or more overnight stops fall into this category. Extended trips may be instructional or supplementary, and must be requested well in advance of the planned activity. An extended trip request form must be completed and approved at each level: parent/guardian, principal, superintendent, and school board. Exceptions to the approval policy may be granted or expedited to accommodate emergencies or contingencies (e.g. tournament competition).
2. The school board acknowledges and supports the efforts of booster clubs and similar organizations in providing extended trip opportunities for students.

III. REGULATIONS

- A. Code of Conduct and School Board Policies shall apply to all student trip activity.
- B. The school administration shall be responsible for more detailed procedures, including parent permission form, supervision, and such other factors deemed important and in the best interest of students.
- C. In general, transportation shall be furnished through a commercial carrier or school-owned vehicle.

IV. SCHOOL BOARD REVIEW

The superintendent shall at least annually report to the school board upon the utilization of trips under this policy.

ISD NO. 31

SBR 700-30-9

ORIGINAL: 18 MAY 2009

FIRE, LOCKDOWN AND TORNADO DRILLS

Fire, lockdown and tornado drills are held at irregular intervals throughout the school year. Remember these basic rules:

1. Check the instructions in each classroom indicating how to leave the building in case of fire.
2. Walk 100 feet away from the building for fire drills.
3. Check the instructions in each classroom for proper procedures for lockdown and tornado drills. Our expectation is that students and staff need to remain quiet during all lockdown drills.

FOOD SERVICE PROGRAM – MIDDLE SCHOOL – 2016/2017

Breakfast and lunch are available daily to all students. The price of breakfast is \$1.50 and the price of lunch is \$2.55. There is no cost for a reduced-price breakfast **or** a reduced-price lunch. Milk purchased for a lunch brought from home costs \$.60.

Sixth grade students have the option of getting their school breakfast in their pod area each morning, rather than going into the cafeteria. Check out the 2 locations (one on each floor) for breakfast! To accommodate the increased number of students, there are also 2 service lines available for breakfast in the cafeteria. Students have five (5) service (choice) lines for lunch. Monthly menus are available on the school district web site.

Applications for Educational Benefits are sent out to the district residents in August. Applications **MUST** be completed and returned **EACH YEAR** to determine eligibility. **Please return these applications as soon as possible to the food service office at 502 Minnesota Ave. N.W.** Benefits of the program cannot be given to the students until applications have been reviewed for eligibility. If you do not receive an application, please secure one from any of the schools' offices. Application for Educational Benefits can be made at any time of the school year, if the need arises. Applying for the program is important. Schools receive funding for educational programs based directly on the number of students who qualify for free or reduced price meals. These funds are used to provide additional educational support and opportunities for students in every school.

Payments may be made to individual student accounts using your credit/debit card online with "Family Access" (follow directions posted on the site in August). Using the online payment center allows you to credit your child's account at any time. A minimal fee is charged to cover the cost of this convenience. You may also mail payments to the district office (502 Minnesota Ave. N.W.) or place them in an envelope and put them in a food service drop box in the cafeteria near the meal service area. Personal checks should be written to ISD#31 with the student's name and PIN in the memo area. When sending cash, please place it in an envelope and write the student's name and PIN and the amount of money on the envelope. Students need to maintain a positive balance in their meal account.

Middle School Student Meal Prices:

Breakfast	\$1.50	Reduced Price Breakfast	free
Lunch	\$2.55	Reduced Price Lunch	free
Milk (for cold lunch)	\$.60		

Food Allergies and/or Special Diets

Please contact the food service office prior to your child/children beginning school if you have concerns related to their food allergies or diets. The foodservice website has forms to use when requesting special diets for students. The following forms are available: Special Diet Statement for a Student *Without* a Disability and Special Diet Statement for a Student *With* a Disability.

Lactose free milk is available to students who are lactose intolerant. Please contact the school's food service and send a note with your child/children to receive this option. This note needs to be signed by the parent/guardian, not a physician. If you have any questions regarding the food service, please contact the district food service office at 333-3100 ext. 31141 or ext. 31142.

"FOUR A" AWARD – (Academics, Attendance, Activities, Accelerated Reader)

This award is given to eight graders with a Cumulative GPA of 3.5 or better, fewer than four days absent (not counting MSHSL related activities), participation at least one activity, and have read 250,000 words in Accelerated Reader.

***GANG BEHAVIOR and GANG GRAFFITI**

Please refer to Code of Conduct.

GIFTED AND TALENTED PROGRAM

For students to qualify for the gifted/talented program, a combination of MCA III scores, MAP scores, teacher referral and student interest will be taken into consideration. BMS administration will make student placement determinations.

GRADING SYSTEM

The evaluation of student achievement is one of the important functions of the teacher. The accepting marking system is as follows:

A - Excellent

B - Good

C - Average

D - Poor

U - Unsatisfactory

I - Incomplete

An incomplete is given only in those cases of illness or emergency. Make-up work is the complete responsibility of the student and all incomplete work should be completed as early as possible in order to assure credit for the class.

GROUP DISORDERLY CONDUCT

Group disorderly conduct is defined as riotous, rowdy, disruptive or unruly conduct that breaks up the order or progress of the educational process, or school sponsored or directed activities, where two or more persons are involved and/or act in concert including gang related behavior or attire.

GUIDANCE OFFICE/COUNSELOR

The purpose of the guidance program is to help each individual student achieve his/her highest growth mentally, and socially. We do this in several ways:

1. Help the new student feel at home in our school with new teachers and friends in a different setting.
2. Individual conferences whenever a student, a teacher, or a counselor deems it necessary.
3. A testing program designed to help the student learn as much as possible about his/her capabilities.
4. The counselors welcome the opportunity to talk things over with any student or parent. Conversations will remain confidential unless required by mandatory reporting.

HEALTH SERVICES

Students will receive a pass from their teacher before going to the health office (unless it is an emergency). Students may not leave the school for illness until first reporting to the health office and receiving a permit to leave the building. Students who habitually self refer to the health office may be subject to behavioral consequences.

Immunizations: Must be in compliance prior to the beginning of school, the student will be excluded until immunization requirements are up to date.

When Students are "Too Ill" to be in School

Often an early morning decision that parents have to make is whether their child is well enough to go to school. Not only may the child feel too sick to learn very much on those days, but they are also infecting other students and staff. Below are some guidelines, which will help you decide whether to send them or keep them home.

Fever: If a student has a temperature of 100 degrees or more, parents should keep their children home. If they have 100 degrees or more fever at school, parents will be called to come to pick up their child. They need to be fever-free for 24 hours before returning to school. Tylenol, Ibuprofen, and other similar medications will bring a fever down, but it does not mean that the child is still not sick. They need to be fever free without taking medication for 24 hours.

Often temperature rises during the day. A slight fever in the morning will get much higher by noon. Often with a borderline temperature (99-100), kids might feel quite ill. Use your judgment about sending them when their fever is less than 100.

Vomiting and diarrhea: Keep them home! Vomiting and diarrhea are not considered "normal". Often children will feel better after vomiting, but will quickly become ill again. Keep them home until they are free of symptoms for at least 24 hours after the last episode of vomiting and/or diarrhea.

Antibiotic treatment: If your child is on antibiotics for a communicable disease, such as strep throat, pink eye, etc, keep them home until they have been on the antibiotics for 24 hours. The exception would be for pertussis (whooping cough). They need to stay home for 5 full days of antibiotic treatment before returning to school. If they are going to continue on antibiotic treatment at school, be sure to follow the school's medication policy. Please follow your doctor's orders for antibiotics. Stopping them when the child feels better may cause the child to become sick again. Giving them for the entire time the doctor prescribes will help insure that the infection has been treated.

Chicken pox: Students with chicken pox need to stay home until all of the pox marks have scabbed over-generally 7 days. If the student gets chicken pox from the vaccine, it is usually a mild case. But they still need to stay home until the pox marks are all scabbed over.

Pink eye: Students could have either viral or bacterial pink eye. Bacterial pink eye needs to be treated with antibiotics-usually eye drops-for 24 hours before returning to school. No exclusion is necessary for viral pink eye, but only a doctor can diagnosis whether it is viral or bacterial.

Head lice: Once children with head lice have been treated and had the nits carefully removed from their heads, they can return to school. When they return, parents are to bring them to the health office to have their heads checked before going to class. They will be examined again at intervals to make sure no head lice were missed.

Head lice are very treatable. Everyone in the family and close contacts should be checked for head lice and treated if found. Many different treatment methods are available. Pamphlets on treatment are available in the school health offices or contact the district school nurse.

Bemidji School district allows only 2 days absence for treatment of head lice. Many parents are able to treat the children and return them the next day.

Head lice are a bother, but in the scheme of things, temporary. Anyone can get head lice, although head lice do not jump from one person to another. Encourage your children not to share combs, brushes, hats, headbands, or other hair clips.

Keeping healthy: For further information, please check out their website at <http://www.health.state.mn.us/divs/idepc/dtopics/infectioncontrol/cover/>.

LOCKERS - Search Procedures

Student Lockers: Minnesota has a statute dealing specifically with locker searches. It clearly gives school officials the right to search school lockers.

M.S. 121.72, Subd. 1 states: School lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

LOST AND FOUND

Lost and found bins are located in the cafeteria, locker rooms, the pool office and the main office. Lost and found items will be donated to the community support services at the end of each term.

MEDIA CENTER CHECKOUT and INTERNET ACCESS

The Media Center will be open at 8:05 a.m. and remain open throughout the day until 3:30 p.m.

Each student may check out three (3) books at a time. The books will be due in three (3) weeks and may be renewed once by bringing the book to the media center and rechecking it. Students may not check out another book if they have an overdue. A note from the parent/guardian is necessary for a book to be removed from the list of over-dues and marked as lost.

Students will be allowed use of the internet under direct supervision of an adult when the signed permission form (part of the registration form) is returned with student and parent signature agreeing to follow the guide lines established in the Acceptable Use Policy. **Please send the school a written statement if you do not want your child using the Internet.**

MID-TERM REPORTS

Mid-term Reports will be given to all students. *Families are encouraged to follow students progress on Family Access.

NATIONAL JUNIOR HONOR SOCIETY

Selection for membership in Junior National Honor Society is by a faculty Council and is based on outstanding character, leadership and service. Once selected, members have the responsibility to continue to demonstrate these qualities.

NJHS Selection Process

To be eligible for membership, the candidate must be a member of second semester 6th grade, 7th grade, or 8th grade. Candidates must have been in attendance at BMS the equivalent of one semester.

Scholastic eligibility for membership shall be a cumulative average of at least B+, or 3.5 (on a 4.0 scale). In addition prospective members must earn no grade lower than a B in any class. Candidates will be evaluated on the basis of service, leadership, character, and citizenship.

The selection of each member to the chapter shall be by a majority vote of the Faculty Council. The Middle School office will provide disciplinary information to the Faculty Council to assist them in their selection process.

All students meeting the minimum standards for scholarship will be notified by the chapter regarding their eligibility to apply for membership.

In addition to the minimum standards for scholarship, all applicants must submit documentation (student activity information form) of active membership in at least two teams, groups, clubs, organizations or activities. One of these must be school related (sports team, music group, club, student council, etc.) and one must be non-school related (community clubs, organizations or teams, boy or girl scouts, 4-H, church groups, etc....)

As a part of the application process, students will need to submit two references from teachers or other adult leaders, other than parents, addressing the candidate's character.

A more complete description of this process may be found in the Bemidji Middle School Chapter of the National Junior Honor Society By-Laws, Article VI: Selection of Members. The by-laws are available in the middle school office.

NJHS Dismissal Procedures

Students falling below the selection standards (GPA, character, service requirements) will be warned in writing. The warning will include the nature of the violation, a time period given for improvement and the possible consequences for non-improvement. This letter will also be sent home.

Beginning with the second offense, the student will receive a written notification of their pending dismissal. This letter will also be sent home. At this point, a conference between the student and the faculty council may be requested by either party (student or faculty advisor).

The faculty council will vote on all dismissal cases. A majority vote and principal approval is required for dismissal. The student, parent/guardian and principal will receive written notification of the decision. A student who is dismissed may appeal the decision to the principal and beyond under the same rules for disciplinary appeals in the school district.

Upon notification of dismissal, the membership card and emblem must be returned to the chapter advisor or principal. A student who has been dismissed may not apply to be a member of the National Junior Honor Society in the future.

A more complete description of this process may be found in the Bemidji Middle School Chapter of the National Junior Honor Society By-Laws, Article VII: Discipline and Dismissal. The by-laws are available in the middle school office.

OUT OF SCHOOL SUSPENSION

If a student's behavior and conduct are determined by an administrator to warrant removal from the school building, the student will be suspended from school. Students who are suspended will be issued a formal suspension notice that will be sent to their parent/guardian. A conference with the issuing administrator, the student, and the parent/guardian may be required for re-admittance to the school. Students suspended out of school are not to be on school grounds or at school events.

PHYSICAL EDUCATION GUIDELINES

- Class expectations: **C-P-R**
 1. Cooperation-listen and follow directions.
 2. Participation-be prepared and do your best.
 3. Respect-for yourself and others. Safe and proper use of equipment
- Physical education dress code: separate attire for physical education
 1. Crew neck t-shirts with sleeves, shorts or sweats – no tank tops. No pajama pants, no v-necks.
 2. Shorts need to be fingertip length or longer.
 3. Athletic shoes with laces tied tight. No sandals or clog shoes.
 4. One piece suit and towel for swimming class.
- General rules:
 1. No electronic devices in gym or locker room – no cellphones, mp3's etc.
 2. No gum, candy or food in locker room/during class.
 3. No bulky jewelry, watches, chains, or earrings in class.
 4. Leave all valuables in your pod locker.
 5. Jackets and bookbags need to remain in your pod locker.
 6. No bullying: everyone is different and has different skill levels. We do not tolerate bullying!!!
- How can you earn your daily (5) points?
 1. Appropriate attire
 2. Good sportsmanship/positive attitude
 3. Following rules, doing your best, trying new things
 4. Using and caring for the equipment correctly

5. Being respectful towards teacher/peers

- If you are gone from class for any reason (besides school sponsored sport activities):
 - Make up assignments will include:
 - 40 minutes of activity written down and signed by your parent/guardian.
 - Ex: walking dog, raking leaves, biking, push-ups etc.
 - Must be turned in 2 pe days after absence.
 - If unable to participate because of an injury, see your teacher for more options.
- Non-dressing consequences:
 - Consequences include: loss of points, inability to participate, meetings with the principals and/or guardians, lunch detention or in school suspension.
- Unable to participate:
 - A doctor's note must be presented by the parent/guardian to the health office in order for their child to be excused from physical education class for an extended period of time.
- A parent note will be accepted to excuse student for one day for minor issues. This note is only good for 1 day. Further days must need note from doctor or school nurse.
- This policy will be reviewed with students on the first day of class. Students and parents will sign after reviewing this policy.

PLEDGE OF ALLEGIANCE

In accordance with state law, students will be asked to recite the pledge of allegiance weekly. Also, proper etiquette, display and respect for the flag of the United States of America will be included in the instructional goals (School Board Policy 400-90-7).

121A.11 "Anyone who does not wish to participate in reciting the pledge of allegiance for any personal reason may elect not to do so. Students must respect another person's right to make that choice."

POSITIVE PEER RELATIONS

The middle school community recognizes the negative effects of harassment and bullying on the child's educational and social experience. Therefore, all students will receive guidance in Positive Peer Relations (PPR) one time per week for 30 minutes. PPR curriculum will cover anti-bullying, respect, self-awareness, decision-making, diversity, suicide prevention, kindness, relationships, honesty, citizenship and goal setting.

BMS bullying intervention guidelines: Bullying is inappropriate communication toward peers that is repeated or is an imbalance of power or is intentional.

- **1st Offense** – Write up on bullying slip, conference with administration, student referred to support staff, anti-bullying packet may be completed, possible consequences.
- **2nd Offense** – Write up on bullying slip, conference with administration, student referred to support staff, district Code of Consequences followed by suspension.

PUBLIC DISPLAY OF AFFECTION

Students are to refrain from embracing, kissing, and other overt displays of affection that may be interpreted by others as undue familiarity and improper behavior in a school setting. Consequences may range from verbal warning to detention or suspension. Repeated incidents will result in parents being contacted and further action being taken. Holding hands is not in violation of the personal behavior rules.

RETENTION

Retention of a student may be considered when professional staff and parents feel that it is in the best interest of the student. Physical development, maturity and emotional factors shall be considered as well as scholastic achievement. The parents' decision shall be final. (SBR 400-25-2)

ROOM 1003

The Room 1003 is an assigned consequence for inappropriate behavior at Bemidji Middle School.

Students are required to report at 8:35 a.m. The supervisor will monitor the students' progress on their schoolwork that was assigned for the day. Students assigned to ROOM 1003 may be referred to "Life Skills Training" as part of their consequence. Students that are suspended out of school from ROOM 1003, must repeat those days after serving their out of school suspension. Any student assigned ROOM 1003 for part of a day may not participate in extra curricular activities that evening.

A four-step process will be used for students exhibiting inappropriate behavior in the classroom.

- Step 1: Behavior and teacher intervention is documented, student remains in class.

- Step 2: Behavior and teacher intervention is documented, teacher notifies parent and student remains in class.
- Step 3: Behavior and teacher intervention is documented, student is sent to 1003 and cannot return to class until parent has signed Step 4 form.
- Step 4: Behavior and teacher intervention is documented, student is sent to 1003 and cannot return to class until a parent/teacher/administrator meeting has occurred and a contract has been written.

SEARCH OF STUDENTS AND PROPERTY OF STUDENTS

Bemidji Middle School administration and other district administrators have a right to search students and their property according to the administrative procedures only after they have established reasonable suspicion. Reasonable suspicion is defined below.

Reasonable Suspicion: Reasonable suspicion is the standard for a search on school property or at school-related events and is based on the school official's specific reasonable inferences that he or she is entitled to draw from the facts in light of the school official's experience. Specific reasonable inferences may be drawn from instances including but not limited to a tip from a reliable student, suspicious behavior which suggests that contraband is present, smell indicating the presence of contraband, or a bulge in a pocket, etc. Reasonable suspicion should not be based on mere hunch.

SELF INJURY POLICY

Pupils will be expected to:

- Not display open wounds/injuries. These must be dressed appropriately
- Talk to the appropriate staff member if they are in emotional distress
- Alert a teacher if they suspect a fellow pupil of being suicidal or at serious risk of harm to themselves, and know when confidentiality must be broken

SKIPPING CLASSES

If it is verified that a student is skipping school or classes, their parent/guardian will be notified and he or she will be assigned to a day of Room 1003, after school detention or out of school suspension.

***SMOKING**

Please refer to Code of Conduct.

SOCIAL MEDIA

Social Media accounts should not be accessed during school hours.

STUDENT RECORDS

The school has on file your grades, attendance, standardized test scores, and discipline records that resulted from your work since you began school. If you have attended several schools, these records have all followed you to this school and are on file here. You and/or your parent or guardian may see the contents of these records by making an appointment with the principal. You may have copies made of anything in the school record at a cost of fifteen cents per sheet, but you are not permitted to take the original records out of the office. You or your parent or guardian may place any statements or items in your records that you wish to, if it pertains to your schoolwork. You may request items be removed from your file. Your records, or any part thereof, cannot be transferred in writing or orally to any other place without the written consent of you and your parent or guardian, with the exception of another public school in the state in which you enrolled after transferring from this school. Written consent can be given by using a form available in the office of the principal or counselor, or by writing a letter to the office requesting the transfer of such records. All student records will be treated in accordance with the provisions of Public Law 93-380, passed by Congress in 1974, and Chapter 479 of the 1974 Session Law of the State of Minnesota.

SUBSTITUTE TEACHERS

Students who are referred to the office by substitute teachers will receive the following consequences:

First referral:	Lunch detention or Room 1003
Second referral:	One day - Room 1003
Third referral:	Room 1003/Suspension

STUDENTS FIRST

Students in 6th through 8th Grade may be selected to participate in the Students First program. Students First is a community initiative designed to help students reach their full potential with the support of a volunteer Success Coach. These coaches are carefully screened and trained volunteers from the community who are matched with a child based upon

common interests. Students will meet with their Success Coaches once per month on the school premises and will have weekly electronic communications via the Students First web platform with each other.

STUDENT MANAGEMENT PLAN/STEP PROCESS

At BMS we use a progressive discipline student management plan. It begins at Step 1 with student/teacher dialogue about inappropriate behavior or lack of academic progress and may end at Step 4 with a conference between teacher, student, parent and administrator. Our goal is to help the student get back on track as quickly as we can toward appropriate behavior and academic success.

FIRST INTERVENTION

- Warning/Time after class. (With interaction between student and teacher.) *If infraction is severe,
- Automatic Room 1003 assignment

SECOND INTERVENTION

- Student will be written up by the classroom teacher. Teachers will notify parents by phone or by mail.

THIRD INTERVENTION

- Student will be removed from class (Room 1003) for the remainder of the hour and next day (class hour)
* Student fills out "Student Behavior Plan."

FOURTH INTERVENTION

- Removal from class (Room 1003) *. Mandatory Parent Conference Contract. (Teacher, Student, Principal, Parent)

STUDENT MEETINGS

All bulletins/posters require the time, place, name and approval from the building principal. Student meetings must be supervised by a Bemidji Middle School staff member.

TELEPHONE CALLS

Students are not to use the phone during school hours unless there is an emergency. Students must have a pass from their classroom teacher and with principal approval will be allowed to use the telephone.

TENNESSEN WARNING

When administration investigates an incident that occurs during school or on school property, it is the expectation that all BMS students will cooperate in the investigation. A Tennesen Warning will be given to each student stating why they are being talked to and who will receive the information they share.

***TERRORISTIC THREATS**

Please refer to Code of Conduct.

TEXTBOOKS/LIBRARY BOOKS

All classroom texts are loaned to the students for their use during the school year. Workbooks and other supplies are paid for by the student. Textbooks are to be kept clean and handled carefully. Please be sure your name, school and grade are written on the book label in case the book is misplaced. The school will charge an appropriate replacement fee for textbooks, workbooks or library books lost or destroyed by students.

***TRESPASSING**

Please refer to Code of Conduct. **Suspended students are not allowed on school grounds.**

UNPAID FEES/BOOK FINES - END OF YEAR

Normally end of the year report cards will be mailed from the middle school. However, in some cases students have fees and book fines that have not been paid. Parents may pay their sons/daughters fees/fines at the same time they pick up their child's report card.

VANDALISM

Students responsible for vandalism or for pranks that cause damage to property or result in extensive clean up will be held responsible through the Code of Conduct and will be expected to pay restitution for costs incurred. Charges may also be filed.

VENDING MACHINES

Vending machines are available to students after 3:50 p.m.

VISITORS

- For the safety of all students and staff, we require all visitors to report to the Attendance Office to sign in and pick up a visitor's pass.
- Visitor's passes are issued during the school day (8:35 a.m. – 3:20 p.m.) for pre-arranged appointments/visits.
- Student visitors are not allowed to accompany BMS students to their classes.
- Parents please refrain from going directly to your child's classroom when you arrive to pick up your child from the health office. Please ask the attendance office staff to coordinate for any homework that your child will miss if they have to go home.

***WEAPONS** Please refer to Code of Conduct.

School Weapons Policy

In accordance with state law and to provide a safe environment for students, staff, and the public, weapons are not allowed in school buildings or on school grounds. This policy does not apply to licensed peace officers and military personnel. If anyone finds himself/herself by accident to be in possession of a weapon, the individual needs to report immediately to the principal's office. (School Board Policy 900-30-1)

WITHDRAWING FROM SCHOOL

Please report to the Principal's office one week in advance to withdraw from school. You will be given a "student check-out sheet". All schoolbooks and school owned materials are to be returned, and all personal items removed from your physical education basket and your school locker.

STUDENT PERSONNEL BULLYING PROHIBITION POLICY

I. PURPOSE

STUDENT PERSONNEL BULLYING PROHIBITION POLICY

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/or teacher's ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and remediate, and discipline those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar and 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 premises, on district property or at school-related functions, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, of other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with school district's policies and procedures, including the school district's discipline policy. The school district may take into account the following factors:
 - A. The developmental ages and maturity levels of the parties involved;
 - B. The levels of harm, surrounding circumstances, and nature of the behavior;
 - C. Past incidences or past or continuing patterns of behavior;
 - D. The relationship between the parties involved; and
 - E. The context in which the alleged incidents occurred.

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

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

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

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

III. DEFINITIONS

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

- A. "Bullying" means intimidating, threatening, abusive, or harmful conduct that is objectively offensive and:
 - A. 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
 - B. 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 24 hours.
- D. "Intimidating, threatening, abusive, or harmful conduct" means, but is not limited to, conduct that does the following:
 - a. 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;
 - b. under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
 - c. 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 defines in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "On school premises, on school district property, at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- G. "Remedial response" means a measure to stop 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 a public school or a charter school.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A student may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall

provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the reasonable authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district official may take immediate steps, at its discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, reporter, students, or others pending completion of an investigation of bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the 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 the investigation that determines that bullying or other prohibited conduct has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the 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 district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, and other school district policies; and regulations.
- E. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, 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 engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to

appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

VII. TRAINING AND EDUCATION

- A. The school district shall discuss this policy with school personnel and volunteers and provide appropriate training to school district personnel regarding this policy. The school district shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. 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;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

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

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

- 1. Engage all students in creating a safe and supportive school environment;
 - 2. Partner with parents and other community members to develop and implement prevention and intervention programs;
 - 3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
 - 4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
 - 5. Teach students to advocate for themselves and others;
 - 6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and
 - 7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. The school district may implement violence prevention and character development education programs to prevent or reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
 - G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or

completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy in the student handbook.

VIII. NOTICE

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. This policy 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 district.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website.
- F. The school district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. §121A.031 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. § 124D.10 (Charter School)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees) MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse) MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults) MSBA/MASA Model Policy 423 (Employee-Student Relationships)
MSBA/MASA Model Policy 501 (School Weapons Policy)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 526 (Hazing Prohibition)
MSBA/MASA Model Policy 529 (Staff Notification of Violent Behavior by Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 711 (Video Recording on School Buses)
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)

Cross References:

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STUDENT PERSONNEL MISCELLANEOUS – SCHOOL DISCIPLINE POLICY

I. STATEMENT OF POLICY

It is the responsibility of the School Board, administrators and staff to safeguard the health and safety of each student. The School Board and district administrators will support district personnel who, in dealing with students on disciplinary matters, act in accordance with state statute, State Board of Education regulations and this policy.

Further, it is the position of the school district that a fair and equitable district-wide school discipline policy will contribute to the quality of a student's educational experience. Without discipline in the schools, learning cannot occur. Therefore, this district-wide school discipline policy has been adopted.

The Rules of Conduct listed below under Section 1 will be uniformly enforced with consistent consequences in all district buildings and programs. The Rules of Conduct listed under Section 2 will be uniformly enforced, but the consequences may vary according to the age of the student.

II. RULES OF CONDUCT

Section 1. Disciplinary action may be taken against students for any behavior which is disruptive of good order or violates the rights of others. The following acts are unacceptable behavior subject to disciplinary action in the school district.

- A. Dangerous, Harmful and Nuisance Substances and Articles
 - 1. Alcohol: Students are prohibited from using, possessing or being under the influence of alcoholic beverages at school, at school-sponsored activities or on school grounds.
 - 2. Drugs: Students are prohibited from using, possessing, distributing or being under the influence of illegal drugs or narcotics at school, school-sponsored activities or on school grounds.
 - 3. Use or Possession of Tobacco: Tobacco use or possession by students is prohibited at school, at school-sponsored activities and on school grounds.
 - 4. Harmful or Nuisance Articles: The possession or use of articles that are nuisances, illegal or that may cause harm to persons or property is prohibited at school and school-sponsored activities.
 - 5. Weapons: Anyone bringing a weapon on school grounds shall be subject to disciplinary action. The use of a weapon to provide a threat to anyone shall be punishable to the fullest extent of school board policy and the law.
- B. Physical Assault: Physical assault is an act which intentionally inflicts or attempts to inflict bodily harm upon another.
- C. Verbal Assaults: Verbal assaults are abusive, threatening, profane or obscene language either oral or written by a student toward a staff member of another student including conduct which degrades people because of their race, religion, ethnic background, gender or physical or mental disability.
- D. Threats: Threats to normal school operations or school activities, including but not limited to, the reporting of dangerous or hazardous situations that do not exist are unacceptable behavior.

Section 2.

- A. Truancy and Unauthorized Absences
 - 1. As required by current statutes, regulations of the Department of Education and the School Board of this district, students shall be in attendance each day that school is in session. The authority to decide whether an absence is excused or unexcused rests with the building principal. Students returning to school following an absence will be expected to complete all missed assignments within a reasonable period of time.
 - 2. Truancy, for purposes of this policy, is the absenting of one's self from school or class without the approval of the school. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission.
 - 3. If a student develops a pattern of tardiness to school or class, disciplinary action will be taken.
 - 4. The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile

court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

III. DISCIPLINARY ACTION

- A. Disciplinary action may include, but is not limited to:
 - 1. Meeting with teacher, counselor or principal;
 - 2. Detention;
 - 3. Loss of school privileges;
 - 4. Parental conference with school staff;
 - 5. Modified school programs;
 - 6. Removal from class;
 - 7. Suspension;
 - 8. Exclusion; and
 - 9. Expulsion.
- B. Copies of this policy, together with “The Pupil Fair Dismissal Act” shall be published in the student handbook and distributed to all students during the first month of the school year. Nothing in this policy is intended to conflict with “The Pupil Fair Dismissal Act.”
- C. Parents shall be notified in writing of violation of the rules of conduct and resulting disciplinary actions by first class mail, except as provided otherwise by “The Pupil Fair Dismissal Act.” Students shall be notified of violations of the rules of conduct and resulting disciplinary actions verbally as provided otherwise by “The Pupil Fair Dismissal Act.”
- D. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

IV. AUTHORIZED USE OF FORCE

- A. Reasonable force may be used without consent when the following circumstances exist or there is reason to believe they exist. A school employee, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
 - 1. When used by a public officer or one assisting him under his direction:
 - a. in effecting a lawful arrest;
 - b. in the execution of legal process;
 - c. in enforcing an order of the court;
 - d. in executing any other duty imposed upon him by law, or
 - 2. When used by a person, not a public officer, in arresting another in the cases and in the manner provided by law and delivering him to an officer competent to receive him into custody.
 - 3. When used by any person in resisting or aiding another to resist offense against the person.
 - 4. When used by another person in lawful possession of real or personal property, or by another assisting him, in resisting a trespass upon or other lawful interference with such property.
 - 5. When used by any person to prevent the escape or to retake following the escape of a person lawfully held on a charge or conviction of a crime.
 - 6. When used by a parent, guardian, teacher or other lawful custodian of a child or student, in the exercise of lawful authority, to restrain or correct such child or student.
 - 7. When used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to his personal safety.

8. When used to restrain a mentally ill or mentally defective person from injuring himself or another when used by one with authority to do so to compel compliance with reasonable requirement for his control, conduct or treatment.
9. When used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for his control, conduct or treatment.

V. EARLY INTERVENTIONS

Definitions:

- A. Any procedure determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior. Or any procedures determined appropriate for encouraging early detection of behavioral problems.
- B. If early signs of inappropriate behavior appears, the school will use any of the following methods to encourage parental involvement:
 1. Talking with the student about the problem.
 2. A phone call to parents.
 3. Arrangement of parental conference. Written correspondence to the parent, including:
 - a. short narrative of the problem;
 - b. referral containing description of behavior and consequences;
 - c. suspension notice according to "The Pupil Fair Dismissal Act."
- C. School staff are encouraged to deal with all inappropriate behavior even in its earliest stages. Early detection through close observation and immediate and fair consequences are very effective.

IV. SPECIAL EDUCATION

- A. Any student suspected of having a behavioral disability condition should be referred to the Building Child Study Team and elementary/secondary Child Find Facilitator when:
 1. Disciplinary action is being considered against the student; or
 2. Consideration is being given to removing the student from school.
- B. Exception: Any student with a disability exhibiting unacceptable behavior at a level which is threatening to self or others shall immediately be dealt with according to the policy statements for all students. It is not necessary to first refer the student to the Building Child Study Team and/or Child Find Facilitator. In such cases, primary consideration must be given to the safety of students and others.
- C. A child with a disability is subject to the same expectations and the Code of Conduct as other students. All due process procedures regarding students with disabilities must be followed.
 1. When a child with a disability is expelled, excluded, or suspended for more than five (5) consecutive days, or suspended for ten (10) cumulative days in the same year, an IEP team/manifestation determination must occur as follows:
 - a. The IEP team meeting must occur as soon as possible but no more than ten (10) days after the sixth consecutive day of suspension/expulsion or the tenth cumulative day of suspension has elapsed.
 - b. Relevant members of the child's IEP team, including at least one of the child's teachers, shall meet.
 - c. The IEP team must review:
 1. All relevant information in the student's file, including the student's IEP.
 2. Any teacher observations.
 3. Any relevant information provided by the parents.
 - d. The IEP team must determine:
 1. If the conduct in question was caused by, or had a direct and substantial relationship, to the student's disability. If the conduct in question was the direct result of the school's failure to implement the IEP.

e. The IEP team may:

1. Determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although services may be provided in another setting, and to progress towards meeting the goals in the child's IEP;
2. Review any assessment and determine the needs for further assessment; and
3. Review the IEP plan and amend goals and objectives or develop an alternative IEP plan.

VII. THE FOLLOWING SBR'S ARE FOR REFERENCE AND REINFORCE THE DISTRICT- WIDE DISCIPLINE POLICY

- A. SBR 500-10-2
- B. SBR 600-40-2
- C. SBR 700-40-1
- D. SBR 700-40-4

VIII. REVIEW OF POLICY

- A. The principal and the licensed employees in a school building shall confer at least annually to review the discipline policy and to assess whether the policy has been enforced.

ISD NO. 31

SBR 700-40-2

ORIGINAL: 16 AUGUST 1993 REVISED: 25 JANUARY 2016 PAGE 6 OF 6

ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES

Participation in extracurricular activities is a privilege granted to a student, it is not an inherent student right. It is the belief of the Board of Education that such participation must be earned based on academic performance.

To be scholastically eligible for any extracurricular activity, a student must maintain a minimum of a 2.0 Grade Point Average (GPA). The minimum requirement of a 2.0 cumulative GPA will be put into effect following the conclusion of the first quarter of the 7th and 8th grade year. Scholastic eligibility will be determined at the end of each quarter to the remainder of the school year. Students forfeit their eligibility for three weeks as 8th grade students and two weeks as 7th grade students if they do not maintain a minimum grade point average of 2.0 cumulative.

Students and a parent/guardian may apply for a contractual agreement with the Activities Coordinator in an effort to become scholastically eligible. This agreement includes sustained progress (weekly grade checks assuring a 2.0 cumulative GPA average) for meeting the middle school requirements. This agreement will be in effect after the period of ineligibility until the student/athlete reaches a 2.0 cumulative GPA.

Eligibility Rules

To be eligible to participate and to remain in an extracurricular or a League sponsored activity, students must follow the rules as stated in the Minnesota State High School League "Athletic Eligibility Information Bulletin," and the additional Bemidji Area Schools Eligibility Rules. Sponsored activities: Baseball, Basketball, Cross Country, Dance line, Golf, Gymnastics, Football, Hockey, Swimming, Tennis, Track, Volleyball, Wrestling, Softball, Soccer and Cheerleading.

During the calendar year, regardless of the quantity, a student shall not use or have in possession a beverage containing alcohol; use tobacco; or use or consume, have in possession, buy or sell, or give away marijuana or any substance defined by law as a drug. It is not a violation for a student to be in possession of a legally defined drug specifically prescribed for the students' own use by his/her doctor.

Students in attendance at a "kegger," party, nightclub or in a vehicle where alcohol is present without being accompanied by a parent, will be deemed as being in possession of alcohol. Students in attendance at a "kegger," party, nightclub or in a vehicle where any substance defined by law as a drug is present, will be deemed as being in possession of those substances.

Penalties and Recommendations for the Interscholastic Activities

1. **First Violation:** Penalty: After confirmation of the first violation, the student shall lose eligibility for the next 21 days of the season in which the student is a participant or for the next three (3) interscholastic contests whichever is greater. The Chemical Health Facilitator will meet with the student during suspension from activities. During this time the student will be expected to practice.
2. **Second Violation:** Penalty: After confirmation of the second violation, the student shall lose eligibility for the next 42 days of the season in which the student is a participant or for the next six (6) interscholastic contests whichever is greater. The Chemical Health Facilitator will meet with the student during suspension from activities. During this time the student will be expected to practice. If the penalty is not completed by the end of the season in which the student is participating, the remainder will be served in the next season of participation.
3. **Third and Subsequent Violation:** Penalty: After confirmation of the third or subsequent violations, the student shall lose eligibility for the next 12 months following the violation. If after the third violation, the student has been assessed to be chemically dependent and the student on his/her own violation completes a chemical dependency program or treatment program, the student may be certified for reinstatement by the athletic director, in MSHSL activities after a minimum period of six (6) weeks. Such certification must be issued by the director or a counselor of a chemical dependency treatment center.

Penalties shall be accumulative beginning with the student's first participation at the middle school level. Bemidji School District Eligibility Rules for District Sponsored Extracurricular Activities (Band, Orchestra, Chorus, Drama, Dance line, SADD, Peer Helpers and all other extracurricular activities).

Penalties:

1. **First Violation:** After confirmation of the first violation, the student shall lose eligibility for the next two (2) consecutive performing events in which the student is a participant. The Chemical Health Facilitator will meet with the student during suspension from activities.
2. **Second Violation:** After confirmation of the second violation, the student shall lose eligibility for the next three (3) consecutive events in which the student is a participant. The Chemical Health Facilitator will meet with the student during suspension from activities.
3. **Third Violation:** After confirmation of the third violation or subsequent violations, the student shall lose eligibility for the next 12 months following the violation. If after the third or subsequent violations, the student has been assessed to be chemically dependent and the student on his/her own violation completes a chemical dependency program or treatment program, then the student may be certified for reinstatement. Such certification must be issued by the director or a counselor of a chemical dependency treatment center.

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SBR700-30-6

ORIGINAL: 10 JULY 1995

REVISED: 21 MAY 2001

INSTRUCTION – MIDDLE SCHOOL EXTRA-CURRICULAR PROGRAM ADMINISTRATIVE PROCEDURES

The School Board believes that with few exceptions, high school athletic teams should be made up of high school students. Every attempt shall be made to recruit high school students for participation in activities. However, there are situations where seventh and eighth grade students will be allowed to participate on high school athletic teams to guarantee the viability of offering the activity or ensure the health and safety of individual team members.

Category 1: Seventh or eighth grade student participation is rarely allowed for the following athletic teams because of high numbers of high school participants: Football, Volleyball, Boys Basketball, Girls Basketball, Boys Hockey, Baseball, Boys Golf, Boys Cross Country Skiing, Girls Cross Country Skiing, Boys Track, Girls Track, Boys Tennis, Girls Tennis, Boys Cross Country Running, Girls Cross Country Running.

Category 2: Limited seventh or eighth grade students may participate at the high school level to guarantee viability of an activity, i.e., ninth grade student or junior varsity level competition. Seventh and eighth grade students may participate on high school teams if no high school athlete is cut or denied from participating at the junior varsity or varsity level due to the presence of a seventh or eighth grade student. These teams include: Girls Hockey, Dance Team, Girls Golf, Girls Soccer, Boys Soccer, Girls Softball, Boys Swimming, Girls Swimming, Wrestling, Gymnastics.

Category 3: Stopwatch sports are activities that have a clear indicator of a student's ability through stopwatch time. Even though there are adequate participation numbers, a Middle School student's timed performance is a clear indication that they would qualify for state level competition, these rare student athletes could be advanced to the varsity sports team to represent our school.

The following conditions apply to the seventh and eighth grade student athlete:

1. Seventh and eighth grade students will not be permitted to leave the Middle School prior to the established dismissal time for practice.
2. The student class schedule will not be changed due to participation in a Bemidji High School activity.
3. Dismissal for participation in regularly scheduled contests will be permitted when necessary.
4. Transportation from Bemidji Middle School to Bemidji High School for practices and scheduled contests will be the responsibility of the parent/guardian.
5. All fee requirements of Bemidji High School will be applicable.
6. All Minnesota State High School League eligibility rules will be in place for seventh and eighth grade students.
7. Any decisions made to accelerate a seventh or eighth grade student are made for the current school/season only and there are no guarantees for subsequent years.
8. The Bemidji High School Activities Office staff shall provide an annual report of seventh and eighth grade student participation in each activity to the Bemidji High School Principal, Bemidji Middle School Principal, Superintendent, and School Board on an annual basis.
9. Bemidji High School provides sports tryouts for eligible high school students in certain sports. Bemidji High School does not offer tryouts to high school teams for Middle School students.

The following procedures will be followed for high school placement:

1. The Head Varsity coach/advisor will recommend to the Activities Coordinator, student(s) he/she considers suitable candidates for higher level placement.
 - a. No consultation with either the student or his/her parent(s)/guardian(s) regarding this recommendation may occur prior to completion of steps 1-3.
 - b. The Head Varsity coach/advisor will be expected to provide adequate rationale for his/her recommendation.
2. The Activities Coordinator shall consult with the Head Varsity coach/advisor and the Middle School Principal. If the Middle School Principal believes more advice is desirable he/she may consult with Assistant Principals, Middle School Dean of Students/Activities Coordinator, teachers of the student, counselor, school psychologist and/or school nurse.
3. If the Activities Coordinator, Head Varsity coach/advisor and the Middle School Principal unanimously agree on the higher placement, the Activities Coordinator will send a cover letter, parent application and a student application to the parents.
4. Parents who wish to have their son/daughter participate, will complete and return both forms.
5. Only if all five (student, parent(s)/guardian(s), Activities Coordinator, Head Varsity coach/advisor and Middle School Principal) agree, will the student be allowed to participate at a higher level.

ISD NO. 31

SBR 400-90-2R

ORIGINAL: 23 NOVEMBER 1982

REVISED: 22 FEBRUARY 2016 (Effective July 1, 2016) PAGE 2 OF 2

HARASSMENT AND VIOLENCE

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of Independent School District No. 31 to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school district personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.

III. DEFINITIONS

- A. "Assault" is:
 1. an act done with intent to cause fear in another of immediate bodily harm or death;
 2. the intentional infliction of or attempt to inflict bodily harm upon another; or,
 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment.
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance;or,
 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
 1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 2. "Familial status" means the conditions of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardians; or

- b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
 7. "Status with regard to public assistance" means the condition of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment; Definition
1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or,
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or,
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
 2. Sexual harassment may include, but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other school district personnel to avoid physical harm to persons or property;
 - d. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or education 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 education status; or,
 - f. Unwelcome behavior or words directed at an individual because of gender.
- G. Sexual Violence; Definition
- a. 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 Minnesota Statute §609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering those areas.
 - b. Sexual violence may include, but is not limited to:
 - i. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same or the opposite sex;
 - ii. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - iii. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - iv. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

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

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- D. In Each School Building: The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence at the building level. 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 superintendent or the school district human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the building report taker must notify the school district human rights office immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights office. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. The School Board hereby designates Jordan Hickman, Director of Human Resources, as the school district human rights officer to receive reports or complaints of harassment and violence prohibited by this policy. If the complaint involves the human rights officer, the complaint shall be filed directly with the superintendent.
- H. The school district shall conspicuously post the name of the human rights officer, including a mailing address and telephone number.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

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

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

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

V. INVESTIGATION

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

VI. SCHOOL DISTRICT ACTION

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) 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 district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VII. RETALIATION OR REPRISAL

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

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

IX. HARASSMENT OR VIOLENCE AS ABUSE

1. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statute §626.556 may be applicable.
2. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

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

Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy) Minn. Stat. § 121A.031 (School Student Bullying Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)

29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)

42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)

42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)

42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)

42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

ISD NO. 31

SBR 200-90-9

ORIGINAL: 15 JULY 1991

REVISED: 24 JANUARY 2011 & 17 AUGUST 2015 PAGE 9 OF 11

**BEMIDJI AREA SCHOOLS
BEMIDJI, MINNESOTA HARASSMENT AND VIOLENCE REPORT FORM**

General Statement of Policy Prohibiting Harassment and Violence

Independent School District No. 31 maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by any student, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Basis of Alleged Harassment/Violence – circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability

Name of person you believe harassed or was violent toward you or another person or group

If the alleged harassment or violence was toward another person or group, identify that person or group

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary)

Where and when did the incident(s) occur? _____

List any witnesses that were present _____

This complaint is filed based on my honest belief that _____ has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

_____ Complainant Signature Date

_____ Received by Date

STUDENT PERSONNEL HAZING PROHIBITION

I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

1. No student, teacher, administrator, volunteer, contractor or other employee of the school district shall plan, direct, encourage, aid or engage in hazing.
2. No teacher, administrator, volunteer, contractor or other employee of the school district shall permit, condone or tolerate hazing.
3. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
4. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
5. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
6. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

7. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
8. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
9. The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school district who is found to have violated this policy.

III. DEFINITIONS

1. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the students to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the students to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.
2. "Immediately" means as soon as possible but in no event longer than 24 hours.
3. "On school premises or school district property, or at school functions or activities, or on school transportation" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a

student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

4. "Remedial response" means a measure to stop and correct hazing, prevent hazing from reoccurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.

E. "Student" means a student enrolled in a public school or a charter school.

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

IV. REPORTING PROCEDURES

1. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report hazing anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial response.
2. The school district encourages the reporting party to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.

The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult school district personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a school district human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or school district human rights officer by the reporting party or complainant.

The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

3. A teacher, administrator, volunteer, contractor, and other school employees shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing, shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.
4. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environments.
5. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.
6. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. SCHOOL DISTRICT ACTION

1. Within three (3) days of the receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
2. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students, or others pending completion of an investigation of alleged hazing prohibited by this policy.

3. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
4. Upon completion of an investigation that determines hazing has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, and applicable school district policies and regulations.
5. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
6. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP

or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

VI. RETALIATION OR REPRISAL

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

VII. DISSEMINATION OF POLICY

1. This policy shall appear in each school's student handbook and in each school's building and staff handbooks.
2. The school district will develop a method of discussing this policy with students and employees.

Legal References:

Cross References:

Minn. Stat. § 121A.031 (School Student Bullying Policy)

Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)

Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])

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IT'S OKAY TO ASK FOR HELP

Suicide Prevention:

*National Suicide Prevention Lifeline: (800) 273-TALK

*Text 4Life: Text "life" to 61222

*Cyber Bullying Hotline: (888) 414-7678

Family Relationship Issues:

*Evergreen House Crisis Hotline: (218) 751-4332

*Northwoods Coalition for Family Safety (218) 751-0211

Substance Abuse:

*Bemidji Area Program for Recovery: (218) 444-5155

*National Center for Substance Abuse: (800) 662-HELP

Sexual Assault:

*Support Within Reach: (218) 444-9524

*RAINN/National Sexual Assault Hotline: (800) 656-HOPE

Local Law Enforcement:

*Non Emergency: (218) 333-9111

*Emergency: 911

SCHOOL PROPERTIES - INTERNET ACCEPTABLE USE POLICY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. LIMITED EDUCATIONAL PURPOSE

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

IV. USE OF SYSTEM IS A PRIVILEGE

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

V. UNACCEPTABLE USES

- A. The following uses of the school district system and Internet resources or accounts are considered unacceptable:
 1. Users will not use the school district system to access, review, upload, download store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - d. information or materials that could cause damage or danger of disruption to the educational process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
 2. Users will not use the school district system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
 3. Users will not use the school district system to engage in any illegal act or violate any local, state, or federal statute or law.
 4. Users will not use the school district system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the school district system software, hardware, or wiring or take any action to violate the school district's security system, and will not use the school district system in such a way as to disrupt the use of the system by other users.
 5. Users will not use the school district system to gain unauthorized access to information resources or

- to access another person's materials, information, or files without the implied or direct permission of that person.
6. Users will not use the school district system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, address, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
 - a. This paragraph does not prohibit the posting of employee contact information on school district webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - b. Employees creating or posting school-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the school district as directory information and verification is made that the school district has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information in accordance with school board policy, or
 - (2) such information is not classified by the school district as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student in accordance with school board policy.In addition, prior to posting any personal contact or personally identifiable information on a school-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.
 - c. These prohibitions specifically prohibit a user from utilizing the school district system to post personal information about a user or another individual on social networks, including, but not limited to, social networks as "MySpace" and "Facebook."
 7. Users must keep all account information and passwords on file with the designated school district official. Users will not attempt to gain unauthorized access to the school district system or any other system through the school district system, attempt to log in through another person's account, or use computer accounts, access codes, or network identification other than those assigned to the user. Message and records on the school district system may not be encrypted without the permission of appropriate school authorities.
 8. Users will not use the school district system to violate copyright laws or usage licensing agreements, or otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
 9. Users will not use the school district system for conducting business, for authorized commercial purposes, or for financial gain unrelated to the mission of the school district. Users will not use the school district system to offer or provide goods or services or for product advertisement. Users will not use the school district system to purchase goods or services for personal use without authorization from the appropriate school district official.
 10. Users will not use the school district system to engage in bullying or cyberbullying in violation of the school district's Bullying Prohibition Policy. 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. A student or employee engaging in the foregoing unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. Examples of such violations include, but are not limited to, situations where the school district system is compromised or if a school district employee or student is negatively impacted. If the school district receives a report of an unacceptable use originating from a non-school computer or resource, the school district may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the school district computer system and the Internet and discipline under other appropriate school district policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school district official. In the case of a school district employee, the immediate discloser shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school district employee, the building administrator.

VI. FILTER

- A. With respect to any of its computers with Internet access, the school district will monitor the online activities of both minors and adults and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. An administrator, supervisor, or other person authorized by the Superintendent may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
- D. The school district 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.

VII. CONSISTENCY WITH OTHER SCHOOL POLICIES

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

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect no privacy in the contents of personal files on the school district system.
- B. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law.
- C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy.
- D. Parents have the right to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school district employees should be aware that data and other material in files, maintained on the school district system may be subject to review, disclosure, or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. The school district will cooperate fully with local, state, and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents and employees of the school district.

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

X. LIMIT ON SCHOOL DISTRICT LIABILITY

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

XI. USER NOTIFICATION

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

XII. PARENT RESPONSIBILITY - NOTIFICATION OF STUDENT INTERNET USE

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

XIII. IMPLEMENTATION: POLICY REVIEW

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

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The Pupil Fair Dismissal Act

CONDENSED SUMMARY

Note: For an official version, please contact the Revisor of Statutes.

121A.40 Citation Minnesota Statutes Sections 121A.40 to 121A.56 may be cited as “The Pupil Fair Dismissal Act.”

121A.41 Definitions

Subdivision 1. Applicability. As used in sections 121A.40 to 121A.56, the terms defined in this section shall have the meanings assigned them.

Subd. 2. Dismissal. “Dismissal” means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.

Subd. 3. District. “District” means any school district.

Subd. 4. Exclusion. “Exclusion” means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.

Subd. 5. Expulsion. “Expulsion” means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.

Subd. 6. Parent. “Parent” means (a) one of the pupil’s parents, (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.

Subd. 7. Pupil. “Pupil” means any student: (1) without a disability under 21 years of age; or (2) with a disability until September 1 after the child with a disability becomes 22 years of age; (3) and who remains eligible to attend a public elementary or secondary school.

Subd. 8. 11, 13, and 17.

Subd. 9. School. “School” means any school defined in section 120A.05, subdivisions 9, School board. “School board” means the governing body of any school district.

Subd. 10. rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent’s child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days. In the case of a student with a disability, the student’s individual education plan team must meet immediately but not more than ten school days after the date on which the decision to remove the student from the student’s current education placement is made. The individual education plan team and other qualified personnel shall at that

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Suspension. “Suspension” means an action by the school administration, under meeting: conduct a review of the relationship between the child’s disability and the behavior subject to disciplinary action; and determine the appropriateness of the child’s education plan.

The requirements of the individual education plan team meeting apply when: (1) the parent requests a meeting; (2) the student is removed from the student’s current placement for five or more consecutive days; or (3) the student’s total days of removal from the student’s placement during the school year exceed ten cumulative days in a school year. The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension.

Subd. 11. Alternative educational services. “Alternative educational services” may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02 although in a different setting.

121A.42 Policy

No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.

121A.43 Exclusion and expulsion of pupils with a disability

When a pupil who has an individual education plan is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the pupil’s disability, the district shall continue to provide special education and related services

after a period of suspension, if suspension is imposed. The district shall initiate a review of the pupil's individual education plan and conduct a review of the relationship between the pupil's disability and the behavior subject to disciplinary action and determine the appropriateness of the pupil's education plan before commencing an expulsion or exclusion.

121A.44 Expulsion for possession of firearm

(a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

121A.45 Grounds for dismissal

Subdivision 1. Provision of alternative programs. No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

Subd. 2. Grounds for Dismissal. A pupil may be dismissed on any of the following grounds:

(a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;

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(b) willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or

(c) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

Subd. 3. Parent Notification and Meeting. If a pupil's total days of removal from school exceeds 10 cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian prior to subsequently removing the pupil from school, and with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

121A.46 Suspension procedures

Subdivision 1. Informal administrative conference before suspension. The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.

Subd. 2. Administrator notifies pupil of grounds for suspension. At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.

Subd. 3. Written notice of grounds for suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

Subd. 4. Suspension pending expulsion or exclusion. Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

121A.47 Exclusion and expulsion procedures

Subdivision 1. Requiring a hearing; pupil may waive hearing. No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.

Subd. 2. Written notice. Written notice of intent to take action shall: (a) be served upon the pupil and the pupil's parent or guardian personally or by mail; (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony; (c) state the date, time, and place of the hearing; (d) be accompanied by a copy of sections 121A.40 to 121A.56; (e) describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and (f) inform

the pupil and parent or guardian of the right to: (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing.

The district shall advise the pupil's parent or guardian that free or low-cost legal assistance may Minnesota Department of Education be available and that a legal assistance resource list is available from the department of education;¹

(2) examine the pupil's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. Subd. 3. Hearing schedule. The hearing shall be scheduled within ten days of the service of

the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.

Subd. 4. Convenient time and place of hearing. The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.

Subd. 5. Closed or open hearing. The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.

Subd. 6. Impartial hearer. The hearing shall take place before: (1) an independent hearing officer; (2) a member of the school board; (3) a committee of the school board; or

(4) the full school board; as determined by the school board. The hearing shall be conducted in a fair and impartial manner.

Subd. 7. Creating hearing record. The school board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths.

Subd. 8. Access to pupil's records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

Subd. 9. Pupil's right to compel testimony. The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.

Subd. 10. Pupil's right to present evidence and testimony. The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

Subd. 11. Pupil not compelled to testify. The pupil cannot be compelled to testify in the dismissal proceedings.

Subd. 12. Hearer's recommendation limited to evidence at hearing; service within two days. The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

Subd. 13. Basis of school board decision; opportunity for comment. The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision.

Subd. 14. Admission or readmission plan.

(a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve

¹ The list may be found electronically at <http://education.state.mn.us>.

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(b) The definition of suspension under Minnesota Statute Section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative educational services, which must not be used to extend the student's current suspension period. Consistent with Minnesota Statute Section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of the administration of a psychotropic drug or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or education neglect.

121A.48 Good faith exception

A violation of the technical provisions of the Pupil Fair Dismissal Act, made in good faith, is not a defense to a disciplinary procedure under the act unless the pupil can demonstrate actual prejudice as a result of the violation.

121A.49 Appeal

A party to an exclusion or expulsion decision made under sections 121A.40 to 121A.56 may appeal the decision to the

commissioner of education within 21 calendar days of school board action. Upon being served with a notice of appeal, the district shall provide the commissioner and the parent or guardian with a complete copy of the hearing record within five days of its receipt of the notice of appeal. All written submissions by the appellant must be submitted and served on the respondent within ten days of its actual receipt of the transcript. All written submissions by the respondent must be submitted and served on the appellant within ten days of its actual receipt of the written submissions of the appellant. The decision of the school board must be implemented during the appeal to the commissioner.

In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(1) in violation of constitutional provisions; (2) in excess of the statutory authority or jurisdiction of the school district; (3) made upon unlawful procedure, except as provided in section 121A.48; (4) affected by other error of law; (5) unsupported by substantial evidence in view of the entire record submitted; or (6) arbitrary or capricious.

The commissioner or the commissioner's representative shall make a final decision based upon the record. The commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under section 121A.50.

121A.50 Judicial review

The decision of the commissioner of education made under sections 121A.40 to 121A.56 is subject to judicial review under sections 14.63 to 14.69. The decision of the commissioner is stayed pending an appeal under this section.

121A.51 Reports to service agency

The school board shall report any action taken pursuant to sections 121A.40 to 121A.56 to the appropriate public service agency, when the pupil is under the supervision of such agency.

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121A.52 Non-application of compulsory attendance law

The provisions of section 120A.22, subdivision 5, shall not apply to any pupil during a dismissal pursuant to sections 121A.40 to 121A.56.

121A.53 Report to the commissioner of education

Subdivision 1. Exclusions and expulsions. The school board must report through the department electronic reporting system each exclusion or expulsion within 30 days of the effective date of the action to the commissioner of education. This report must include a statement of alternative educational services given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race and special education status.

Subd. 2. Report. The school board must include state student identification numbers of affected pupils on all dismissal reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals by age, grade, gender, race, and special education status of the affected pupils. All dismissal reports must be submitted through the department electronic reporting system.

121A.54 Notice of right to be reinstated

Whenever a pupil fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the pupil and the pupil's parents by mail of the pupil's right to attend and to be reinstated in the public school.

121A.55 Policies to be established

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have individualized education plans from school grounds.

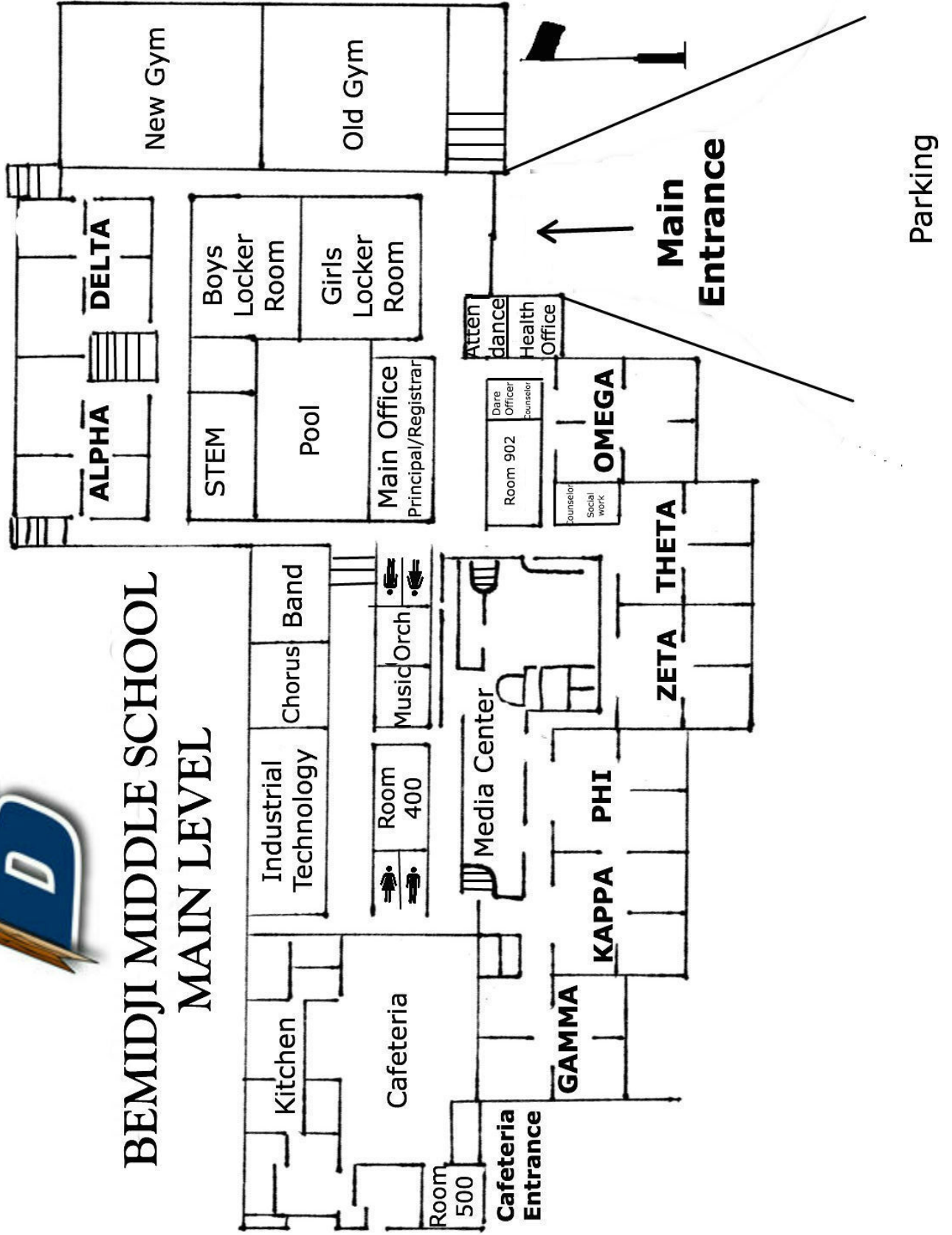
121A.56 Application

Subdivision 1. Prohibition against discrimination remains in effect. Sections 121A.40 to 121A.56 shall not be deemed to amend or otherwise affect or change section 363.03, subdivision 5, clause (2).

Subd. 2. Portions of school program for credit. Sections 121A.40 to 121A.56 shall apply only to those portions of the school program for which credit is granted.



BEMIDJI MIDDLE SCHOOL MAIN LEVEL





BEMIDJI MIDDLE SCHOOL UPPER LEVEL

