

**1. Admission Policy for Noble Academy (Adapted from Urban Academy Policies)
(Adopted as official board policy on July 30, 2007) (Revised 3-31 2008)**

Purpose

The purpose of this policy is to define the parameters that Noble Academy will use in admitting students to their school.

General Statement Of Policy

- A. It is the policy of the Noble Academy board to comply with current state and federal statutes and regulations and in recognition of its obligation to provide equal educational opportunity for all persons within its jurisdiction, affirms that it will not discriminate on the basis of race, gender, color, religion, creed, national origin, status in regard to public assistance, marital status, parental status, age, sexual orientation, or disability in the following areas:
 - a. Access to course offerings,
 - b. Curriculum materials,
 - c. Counseling practices,
 - d. Extracurricular activities, or
 - e. Use of school facilities.

- B. Noble Academy will give admission preference to:
 - a. Children that are enrolled in the Academy for the entire last quarter of the current year,
 - b. Children of families with students presently attending Noble Academy.
 - c. As established by the annual "Enrollment Policy and Procedures" (revised annually and filed immediately following this policy) document that will be adopted by the school board on or before its regular February board meeting:
 - o On a first-come-first-served basis until the established class size is met,
 - o Applications will be chosen by lottery for admission if the demand exceeds the parameters of the maximum number of students set during the open enrollment period as established annually by this policy and procedure,
 - o If the maximum number of students set is reached after the open enrollment period, students will be placed on a numbered waiting list based on the postmark date or when the application was delivered, and
 - o All students entering kindergarten must be five (5) years of age by September 1 of that school year.

Responsibilities

- A. All Noble Academy employees will assist all applicants and their families or legal guardians without discrimination.
- B. The Director or designee shall review all applications, ask for additional information if it is needed and assist in the enrollment process.
- C. Because Noble Academy is a free, choice public school, all applications as allowed by Minnesota Statute will be enrolled as outlined in the Enrollment Policy and Procedure document.

2. Conflict of Interest—Charter School Board Members (MSBA #210.1)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this policy is to observe state statutes regarding conflicts of interest for Noble Academy board members and to engage in charter school business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

General Statement Of Policy

It is the policy of the Noble Academy board to conform to statutory conflict of interest laws and act in a manner that will avoid any conflict of interest or the appearance thereof.

Conflicting Business Relationships

- A. A member of a charter school board of directors is prohibited from serving as a member of the board of directors or as an employee or agent of, or contractor with, a for-profit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. A violation of this prohibition renders a contract voidable at the option of the Commissioner of Education (Commissioner). A member of a charter school board of directors who violates this prohibition shall be individually liable to the charter school for any damage caused by the violation. An individual may serve as a member of the board of directors if no conflict of interest under this paragraph exists.
- B. A member of a charter school board of directors that serves as a member of the board of directors or as an employee or agent of, or contractor with, a nonprofit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities, must disclose all potential conflicts to the Commissioner.
- C. The charter school board member conflict of interest provisions do not apply to compensation paid to a teacher employed by the charter school who also serves as a member of the board of directors.
- D. The charter school board member conflict of interest provisions do not apply to a teacher who provides services to a charter school through a cooperative formed under Minn. Stat. Ch. 308A when the teacher also serves on the charter school board of directors.

The Existing Conflict of Interest Policy that the Charter School developed for Grant Application Purposes should be attached and incorporated as a part of this policy.

3. Harassment and Violence (MSBA #413)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this policy is to maintain a learning and working environment at Noble Academy that is free from religious, racial or sexual harassment and violence. The school prohibits any form of religious, racial or sexual harassment and violence.

General Statement Of Policy

- A. It is the policy of the school to maintain learning and working environments that are free from religious, racial or sexual harassment and violence. The school prohibits any form of religious, racial or sexual harassment and violence.
- B. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the school .)
- C. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.
- D. The school will act to investigate all complaints, formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

Religious, Racial And Sexual Harassment And Violence Defined

A. Sexual Harassment: Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - 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
 - 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:
 - Unwelcome verbal harassment or abuse;
 - Unwelcome pressure for sexual activity;
 - Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
 - Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - Unwelcome behavior or words directed at an individual because of gender.

B. Racial Harassment; Definition

Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- Otherwise adversely affects an individual's employment or academic opportunities.

C. Religious Harassment; Definition

Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- Otherwise adversely affects an individual's employment or academic opportunities.

D. Sexual Violence; Definition

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

2. Sexual violence may include, but is not limited to:
- Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

E. Racial Violence; Definition

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

F. Religious Violence; Definition

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

G. Assault; Definition

Assault is:

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

Reporting Procedures

- A. Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the school, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate school official designated by this policy. The school encourages the reporting party or complainant to use the report form available from the Charter School Director of each building or available from the school office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school human rights officer or to the Charter School Director.
- B. In the School. The school board hereby designates the Charter School Director to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves the Charter School Director, the complaint shall be filed directly with the Chairman of the School Board.

- C. The school shall conspicuously post the name of the School Director including mailing addresses and telephone numbers.
- D. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- E. Use of formal reporting forms is not mandatory.
- F. The school will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

Investigation

- A. By authority of the school, the Charter School Director, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the school.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged religious, racial or sexual harassment or violence.
- E. The investigation will be completed as soon as practicable. The school human rights officer shall make a written report to the School Board upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

School Action

- A. Upon receipt of a report, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School action taken for violation

of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school policies.

- B. The result of the school 's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school in accordance with state and federal law regarding data or records privacy.

Reprisal

The school will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who makes a good faith report of alleged religious, racial or sexual harassment or violence or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Right To Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse that 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.

Harassment Or Violence As Abuse

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

Dissemination Of Policy And Training

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This policy shall be given to each school employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall be summarized in the student handbook.
- D. The school will develop a method of discussing this policy with students and employees.
- E. This policy shall be reviewed at least annually for compliance with state and federal law.

4. Student Disability Nondiscrimination (MSBA #521)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

General Statement Of Policy

- A. Disabled students are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the school to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - Has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
 - Has a record of such impairment; or
 - Is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

Coordinator

Persons who have questions, comments, or complaints should contact Charter School Director regarding grievances or hearing requests regarding disability issues. This person is the school's ADA/504 Coordinator.

5. Student Sex Nondiscrimination (MSBA #522)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

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

General Statement Of Policy

- A. The school provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school on the basis of sex.
- B. It is the responsibility of every school employee to comply with this policy.
- C. The school board hereby designates the Charter School Director as its Title IX coordinator. This employee coordinates the school 's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education.

Reporting Grievance Procedures

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate school official designated by this policy or may file a grievance. The school encourages the reporting party or complainant to use the report form available from the Charter School Director or available from the school office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to the Charter School Director.
- B. In Each School Building. The Charter School Director is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school personnel who receive a report of unlawful sex discrimination toward a student shall inform the director immediately.

- C. Upon receipt of a report or grievance, the Charter School Director may request, but may not insist upon a written complaint. The Director will forward a written statement of the alleged facts as soon as practicable to the Board Chair. If the report was given verbally, the director shall personally reduce it to written form within 24 hours and forward it to the board chair. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the director. If the complaint involves the director, the complaint shall be made or filed directly with the Board Chair by the reporting party or complainant.
- D. The school board hereby designates the Charter School Director as the school human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the Charter School Director, the complaint shall be filed directly with the Board Chair.
- E. The school shall conspicuously post the name of the Title IX coordinator and human rights officer, including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The school will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Investigation

- A. By authority of the school, the Charter School Director, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the school.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

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

School Action

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

Reprisal

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

Right To Alternative Complaint Procedures

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

Dissemination Of Policy And Evaluation

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.
- B. The school shall review this policy and the school 's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

6. Hazing Prohibition (MSBA #526)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

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

General Statement Of Policy

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

Definitions

- A. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

- 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.
 - Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school policies or regulations.
- B. “Student organization” means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

Reporting Procedures

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

School Action

- A. Upon receipt of a complaint or report of hazing, the school shall undertake or authorize an investigation by school officials or a third party designated by the school .
- B. The school may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of hazing.
- C. Upon completion of the investigation, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. School 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, school policies and regulations.

Reprisal

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

Dissemination Of Policy

This policy shall be summarized in the student handbook and a copy shall be in all Staff handbooks.

7. Student Parental, Marital and Family Status Nondiscrimination (MSBA #528)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

Students are protected from discrimination on the basis of sex and marital status pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. This includes discrimination on the basis of pregnancy. The purpose of this Noble Academy policy is to provide equal educational opportunity for all students and to prohibit discrimination on the grounds of sex, parental, family, or marital status.

General Statement Of Policy

- A. The school provides equal educational opportunity for all students, and will not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.
- B. The school will not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such students' pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery there from, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.
- C. The school may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
- D. The school will ensure that any separate and voluntary instructional program is comparable to that offered to non-pregnant students.
- E. It is the responsibility of every school employee to comply with this policy.
- F. The school board has designated the Charter School Director as its Title IX coordinator. This employee coordinates the school's efforts to comply with and carry out its responsibilities under Title IX.
- G. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the Board Chair.
- H. Any reports of unlawful discrimination under this policy will be handled, investigated and acted upon in the manner specified in Policy 522 – Student Sex Nondiscrimination.

8. Parent Involvement Policy (no MSBA model, though #612.1 provides guidance for development of such policy)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to encourage and facilitate involvement by parents of students participating in Title I LEA in the educational programs and experiences of students. The policy shall provide the framework for organized, systematic, ongoing, informed and timely parental involvement in relation to decisions about the Title I services within the school. The involvement of parents by the school shall be directed toward either public or private school children whose parents are school residents or whose children attend school within the boundaries of the school.

General Statement Of Policy

- A. It is the policy of the school to plan and implement, with meaningful consultation with parents of participating children, programs, activities and procedures for the involvement of those parents in its Title I programs.
- B. It is the policy of the school to fully comply with 20 U.S.C. § 6318 which requires the school to develop jointly with, agree upon with, and distribute to parents of children participating in Title I programs written parental involvement policies.

Development Of School Level Policy

The school board will direct the administration to develop jointly with, agree upon with, and distribute to, parents of participating children a written parental involvement policy that will be incorporated into the school 's Title I plan. The policy will establish the expectations for parental involvement and describe how the school will:

- A. Involve parents in the joint development of the school 's Title I plan and the process of school review and improvement;
- B. Provide the coordination, technical assistance, and other support necessary to assist school s in planning and implementing effective parental involvement;
- C. Build the school s' and parents' capacity for strong parental involvement;
- D. Coordinate and integrate parental involvement strategies with similar strategies under other programs, such as Head Start, Even Start, the Parents as Teachers Program, the Home Instruction Program for Preschool Youngsters, and state-administered preschool programs;
- E. Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy and identify barriers to greater participation, particularly with parents who are economically disadvantaged, disabled, have limited literacy or English proficiency, or who are of a racial or ethnic minority;

- F. Use the findings of the evaluations to design strategies for improving and revising, if necessary, the school -level parental involvement policies; and
- G. If the school 's Title I plan is not satisfactory to the parents of participating children, the school will submit any parent's comments with the plan when the plan is submitted to the state.

Development Of School Level Policy

The school board will direct the administration of each school to develop (or amend an existing parental involvement policy) jointly with, and distribute to, parents of participating children a written parental involvement policy, agreed upon by such parents, that shall describe the means for carrying out the federal requirements of parental involvement.

- A. The policy will describe the means by which each school with a Title I program will:
 - Convene an annual meeting, at a convenient time, to explain to parents of participating children the program, its requirements, and their right to be involved;
 - Offer a flexible number of meetings, transportation, child care, or home visits, to facilitate parental involvement;
 - Involve parents in the planning, review, and improvement of the parental involvement programs, including the school parental involvement policy and the joint development of the school -wide program plan, unless the school already has a program for involving parents in the planning and design of its programs that would adequately involve parents of participating children;
 - Provide parents of participating children with: timely information about Title I programs; school performance profiles as required by law and their child's individual student assessment results along with an interpretation of the results; a description and explanation of the curriculum in use, the forms of assessment used and the proficiency levels students are expected to meet; the opportunity to make suggestions, share experiences with other parents and participate in decisions relating to their child's education; timely responses to parents' suggestions; and
 - Submit any parent's comments on the school -wide program plan when it is submitted to the school.
- B. As a component of this policy, each school shall develop with parents a school /parent compact that outlines how parents, staff, and students will share the responsibility for improved student achievement and attainment of state standards. The compact will:
 - Describe the school 's responsibility to provide high-quality curriculum and instruction in an environment that will enable participating students to meet state student performance standards;
 - Describe the ways each parent will be responsible for supporting their children's learning by monitoring school attendance and homework completion, monitoring television watching, volunteering in the classroom, and participating in discussions about their children's education and use of extracurricular time.

- Address the importance of communication between teachers and parents on an on-going basis through the use of:
 - Annual parent-teacher conferences to discuss the compact and the child's achievement;
 - Frequent progress reports to the parents; and
 - Reasonable access to staff, opportunities to volunteer, participate, and observe in the child's classroom.

- C. To ensure effective involvement of parents and to support a partnership among the school, parents, and community to improve student achievement, the policy will describe how each school and the school will:
 - Provide assistance to participating parents in such areas as understanding federal and state education goals, state content and student performance standards, assessments, monitoring their child's progress, working with educators to improve their child's performance, and participating in decisions regarding their child's education;
 - Provide materials and training to assist parents in working with their children to improve their children's achievement, including coordinating necessary literacy training from other sources;
 - Educate school staff, with the assistance of parents, in the value and contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;
 - Coordinate and integrate parental involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program and public preschool programs and other programs, as is feasible and appropriate;
 - Develop appropriate roles for community-based organizations and businesses in parental involvement activities and providing information about and encouraging the formation of partnerships between public schools, businesses and parents;
 - Conducting activities such as parent resource centers and opportunities for parents to learn about child development and child rearing, as appropriate and feasible;
 - Ensure, to the extent possible, that information about school and parent meetings, programs, and activities is sent home in the language used in the homes of the participating children; and
 - Provide other reasonable supports for parental involvement as requested by parents.

- D. The policy will also describe the process to be taken if the school chooses to:
 - Involve parents in the development of training for school staff to improve the effectiveness of the instruction and services to participating children;
 - Provide necessary literacy training with funds received under Title I programs if all other funding has been exhausted;
 - Pay reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs to enable parents to participate in meetings and training sessions;
 - Train and support parents to enhance the involvement of other parents;

- Arrange meetings at a variety of times in order to maximize parental opportunities for participation in school -related activities;
 - Arrange for staff who work directly with participating children to conduct in-home conferences with parents who are unable to attend conferences at school; and
 - Adopt and implement model approaches to improving parental involvement, such as Even Start.
- E. To carry out the requirements of parental involvement, the school will provide full opportunities for the participation of parents with limited English proficiency or with disabilities, including providing information and school profiles in a language and form that is understandable by the parents.
- F. The school will assist parents and parent organizations in learning of and about parental information and resource centers.

The Existing Title I Parent Involvement Policy that the Charter School may have developed for NCLB/ESEA Grant Application Purposes should be attached and incorporated as a part of this policy.

The policies must be updated periodically to meet the changing needs of parents, Title I Grant requirements and the school.

9. Pledge of Allegiance (MSBA #531)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The school board at Noble Academy recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. The purpose of this policy is to provide for recitation of the pledge of allegiance and instruction in school to help further that end.

General Statement Of Policy

Students in this school shall recite the pledge of allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate; or
- B. Over a school intercom system by a person designated by the school Charter School Director or other person having administrative control over the school.

Exceptions

Anyone who does not wish to participate in reciting the pledge of allegiance for any personal reasons may elect not to do so. Students and school personnel must respect another person's right to make that choice.

Instruction

Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

10. Equal Educational Opportunity (MSBA #102)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to ensure that equal educational opportunity is provided for all students of the school .

General Statement Of Policy

- A. It is the school 's policy to provide equal educational opportunity for all students. The school does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation or age. The school also makes reasonable accommodations for disabled students.
- B. The school prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the school 's policy on harassment and violence and the school 's procedures for addressing such complaints, refer to the school 's policy on harassment and violence.
- C. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- D. It is the responsibility of every school employee to comply with this policy conscientiously.
- E. Any student, parent or guardian having any questions regarding this policy should discuss it with the Charter School Director.

11. Open Meetings and Closed Meetings (MSBA #205)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

- A. The Noble Academy school board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.
- B. The purpose of this policy is to provide guidelines to assure the rights of the public to be present at Noble Academy school board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

General Statement Of Policy

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

Definition

"Meeting," means a gathering of at least a quorum or more members of the school board, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering.

Procedures

A. Meetings

- 1. **Regular Meetings**
A schedule of the regular meetings of the school board shall be kept on file at its primary offices. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.
- 2. **Special Meetings**
 - For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the official bulletin

board of the school or on the door of the school board's usual meeting room if there is no official bulletin board.

- The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings.
- This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, on the school's official Web site.
- A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
- The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.

3. Emergency Meetings

- An emergency meeting is a special meeting called because of circumstances that in the judgment of the school board require immediate consideration.
- If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
- The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
- Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
- Notice shall be provided to each news medium that has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
- Notice shall include the subject of the meeting.
- Posted or published notice of an emergency meeting shall not be required.
- The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to "closed meetings."

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

B. Votes

The votes of school board members shall be recorded in a journal kept for that purpose, and the journal shall be available to the public during all normal business hours at the administrative offices of the school.

C. Written Materials

- In any open meeting, a copy of any printed materials relating to the agenda items prepared or distributed by the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
- This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

- Meetings may not be closed merely because the data to be discussed are not public data.
- Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
- Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Preliminary Consideration of Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

2. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

3. **Attorney-Client Meeting**
A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting.
4. **Dismissal Hearing**
 - A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
 - A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.
5. **Meetings to Discuss Certain Non Public Data**
Any portion of a meeting must be closed if the following types of data are discussed:
 - Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
 - Active investigative data collected or created by a law enforcement agency; or
 - Educational data, health data, medical data, welfare data, or mental health data that are not public data.
6. **Staff Contract Negotiations**

The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for employee negotiations, including negotiation strategies or developments or discussion and review of employee negotiation proposals.

The time and place of the closed meeting shall be announced at the public meeting. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after the school board signs all employee contracts for the current budget period.
7. **Sessions Closed by Bureau of Mediation Services**
All negotiations, mediation sessions, and hearings between the school board and its employees or their respective representatives are public meetings except when otherwise provided by the Commissioner of the Bureau of Mediation Services.

8. Other Meetings

Other meetings shall be closed as provided by law.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. A school board meeting may be closed only after a majority vote at a public meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

12. Development, Adoption, and Implementation of Policies (MSBA #208)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to emphasize the importance of the policy-making role of the school board and provide the means for it to continue to be an ongoing effort.

General Statement Of Policy

Formal guidelines are necessary to ensure the school community that the school responds to its mission and operates in an effective, efficient and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form that is sufficiently explicit to guide administrative action.

Development Of Policy

- A. The school board has jurisdiction to legislate policy for the school with the force and effect of law. School board policy provides the general direction as to what the school board wishes to accomplish while delegating implementation of policy to the administration.
- B. The school board's written policies provide guidelines and goals to the school community. The policies shall be the basis for the formulation of guidelines and directives by the administration. The school board shall determine the effectiveness of the policies by evaluating periodic reports from the administration.
- C. Policies may be proposed by a school board member, employee, student, or family member of a student attending the school. Proposed policies or ideas shall be submitted to the Charter School Director or Board Chair for review prior to possible placement on the school board agenda.

Adoption Of Policy

- A. The school board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two school board meetings. The proposals shall be distributed and public comment will be allowed at both meetings prior to final school board action.
- B. The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the school board at a subsequent meeting after the meetings at which public input was received. The policy will be effective on the later of the date of passage or the date stated in the motion.
- C. In the case of an emergency, a new or modified policy may be adopted by a majority vote of a quorum of the school board. A statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The emergency policy shall expire within one year following the emergency action unless the policy adoption procedure stated above is followed

and the policy is reaffirmed. The school board shall have discretion to determine what constitutes an emergency situation.

- D. If a policy is modified because of a legal change over which the school board has no control, the modified policy may be approved at one meeting at the discretion of the school board.

Implementation Of Policy

- A. It shall be the responsibility of the Charter School Director to implement school board policies, and to develop administrative guidelines and directives to provide greater specificity and consistency in the process of implementation. These guidelines and directives, including employee and student handbooks, shall be subject to annual review and approval by the school board.
- B. Each school board member shall have access to this policy manual, and a copy shall be placed in the office of each school attendance center. Manuals shall be available in the central office and made available for reference purposes to other interested persons.
- C. It shall be the responsibility of the Charter School Director, employees designated by the Charter School Director, and individual school board members to keep the policy manuals current.
- D. The school board shall review policies at least once every three years. The Charter School Director shall be responsible for developing a system of periodic review, addressing approximately one third of the policies annually.
- E. When there is no school board policy in existence to provide guidance on a matter, the Charter School Director is authorized to act appropriately under the circumstances keeping in mind the educational philosophy and financial condition of the school. Under such circumstances, the Charter School Director shall advise the school board of the need for a policy and present a recommended policy to the school board for approval.

13. Equal Opportunity Employment (MSBA #401)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to provide equal employment opportunity for all applicants for school employment and school employees.

General Statement Of Policy

- A. It is the school 's policy to provide equal employment opportunity for all applicants and employees. The school does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age, and family care leave status or veteran status. The school also makes reasonable accommodations for disabled employees.
- B. The school prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school 's internal procedures for addressing complaints of harassment, please refer to the school 's policy on harassment and violence.
- C. This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities or privileges of employment.
- D. It is the responsibility of every school employee to follow this policy.
- E. Any person having any questions regarding this policy should discuss it with the Charter School Director.

14. Disability Nondiscrimination Policy (MSAB # 402)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to provide a fair employment setting for all persons and to comply with state and federal law.

General Statement Of Policy

- A. The school shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The school shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The school shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The school shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the Charter School Director. This individual is the school s' appointed American with Disabilities Act (ADA Section 504) coordinator.

15. Public and Private Personnel Data (MSBA #406)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to provide guidance to school employees as to the data the school collects and maintains regarding its personnel.

General Statement Of Policy

- A. All data on individuals collected, created, received, maintained or disseminated by the school, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school .
- B. All other data on individuals is private or confidential.

Definitions

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to school staff who need it to conduct the business of the school.
- C. "Confidential" means the data is not available to the subject.
- D. "Parking space leasing data" means the following government data on an application for, or lease of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. "Personnel data" means data on individuals collected because they are or were employees of the school, applicants for employment, volunteers for the school , or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school by an employee as part of an organized self-evaluation effort by the school to request suggestions from all employees on ways to cut costs, make the school more efficient, or to improve school operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.
- G. "Protected health information" means individually identifiable health information transmitted in electronic form by a school acting as a health care provider. "Protected health information" excludes health information in education records covered by FERPA and employment records held by a school in its role as employer.

Public Personnel Data

- A. The following information on employees, including volunteers and independent contractors, is public:
- Name;
 - Employee identification number, which may not be the employee's social security number;
 - Actual gross salary;
 - Salary range;
 - Contract fees;
 - Actual gross pension;
 - The value and nature of employer-paid fringe benefits;
 - The basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
 - Job title;
 - Bargaining unit;
 - Job description;
 - Education and training background;
 - Previous work experience;
 - Date of first and last employment;
 - The existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
 - The final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school;
 - The terms of any agreement settling any dispute arising out of the employment relationship, including director buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
 - Work location;
 - Work telephone number;
 - Badge number;
 - Honors and awards received;
 - Payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and
 - City and county of residence.
- B. The following information on applicants for employment or to an advisory board/commission is public:
- Veteran status;
 - Relevant test scores;
 - Rank on eligible list;
 - Job history;
 - Education and training; and
 - Work availability.

- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- D. Names and home addresses of applicants for appointment to and members of an advisory board/commission are public.
- E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

Private Personnel Data

- A. All other personnel data are private and will only be shared with school staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected or maintained by the school to administer employee assistance programs are private.
- D. Parking space leasing data are private.
- E. The school may display a photograph of a current or former employee to prospective witnesses as part of the school's investigation of any complaint or charge against the employee.
- G. The school may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - A pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
 - A court, law enforcement agency or prosecuting authority.
- H. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- I. A complainant has access to a statement provided by the complainant to the school in connection with a complaint or charge against an employee.

- J. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school determines that the employee's access to that data would:
- Threaten the personal safety of the complainant or a witness; or
 - Subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- K. The school shall make any report to the board of teaching or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- L. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.
- M. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.
- N. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school to cut costs, make the school more efficient, or to improve school operations is private.
- O. Health information on employees is private unless otherwise provided by law. To the extent that the school transmits protected health information, the school will comply with all privacy requirements.

Multiple Classifications

If Minn. Stat. Ch. 13, or any other state or federal law classifies data on individuals as both private and confidential, the data are private.

Change In Classifications

The school shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

Responsible Authority

The school has designated the Charter School Director as the authority responsible for personnel data.

Employee Authorization/Release Form

An employee authorization form is included as an addendum to this policy.

FORM: EMPLOYEE AUTHORIZATION FOR RELEASE OF INFORMATION

TO: _____

RE: Personnel Records of: _____

Date of Birth: _____

Social Security Number: _____

This is your full and sufficient authorization, pursuant to Minn. Stat. § 13.05, Subd. 4, and Minn. Rules 1205.1400, Subp. 4, to release to Noble Academy, their representatives or employees, all information

pertaining to *[describe]* _____ maintained by the employer school , with the following exceptions:

The information is needed for the purpose of *[specify]*

This authorization specifically includes records prepared prior to the date of this authorization and records prepared after the date of this authorization, such records to be used only for the purpose specified. I do not authorize re-release of this information by the third party.

I understand that I may revoke this consent in writing at any time. Upon the fulfillment of the above-stated purpose, this consent will automatically expire without my express revocation. A photocopy of this authorization will be treated in the same manner as an original.

Dated: _____

Signature of Employee

ATTENTION PUBLIC FACILITIES: Minn. Stat. § 13.05 requires automatic expiration of this authorization one (1) year from the date of authorization.

16. Employee Right to Know (MSBA #407)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to provide school employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm.

General Statement Of Policy

It is the policy of this school to provide information and training to employees who may be routinely exposed to a hazardous substance, harmful physical agent or infectious agent.

Definitions

- A. "Commissioner" means the Commissioner of Labor and Industry.
- B. "Routinely exposed" means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:
 - Is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations, title 29, part 1910, subpart Z; or
 - Is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
 - Is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or non-ionizing.
- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the

commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

- F. “Blood borne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Target Job Categories

Training will be provided to all full and part-time employees who are routinely exposed to a hazardous substance, harmful physical agent or infectious substance as set forth above.

Training Schedule

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employee assigned to a work area where he or she is determined to be “routinely exposed” under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be “routinely exposed” under the above guideline.

17. Family and Medical Leave Policy (MSBA #410)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to provide for family and medical leave to school employees in accordance with the Family and Medical Leave Act and also with parenting leave under state law.

General Statement Of Policy

A. Twelve-week Leave

- Regular full-time and part-time employees who have been employed by the school for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
 - Birth of the employee's child
 - Placement of an adopted or foster child with the employee
 - To care for the employee's spouse, son, daughter or parent with a serious health condition; and/or
 - The employee's serious health condition makes the employee unable to perform the functions of the employee's job.
- For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee uses any leave.
- A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
- Eligible spouses employed by the school are limited to an aggregate of twelve weeks of leave during any 12-month period for the birth or adoption of a child, the placement of a child for foster care or to care for a parent. This limitation for spouses employed by the school does not apply to leave taken by one spouse to care for the other spouse who is seriously ill, to care for a child with a serious health condition, or because of the employee's own serious health condition.
- Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the school or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.

- If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
- If the school has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the school's expense. If the opinions of the first and second health care providers differ, the school may require certification from a third health care provider at the school's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
- Requests for leave shall be made to the school. Employees must give 30 days' written notice of a leave of absence where practicable. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the school, subject to and in coordination with the health care provider.
- During the period of a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12 month period), the school will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage.
- The school may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. It shall be the responsibility of the Charter School Director to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.
- The school shall comply with written notice requirements as set forth in federal regulations.
- Employees returning from a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12 month period) are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.
- An employee who does not return to work after leave may, in some situations, be required to reimburse the school for the cost of the health plan premiums paid by it.
- The provisions of this policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by that Act and/or applicable regulations. To

the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

- The requirements stated in the contract agreement between employees in a certified collective bargaining unit and the school regarding family and medical leaves (if any) shall be followed.

B. Six-week Leave

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

Special Rules For Instructional Employees

- A. An instructional employee is one whose principle function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than twenty percent of the work days in the leave period may be required to:
 - Take leave for the entire period or periods of the planned medical treatment; or
 - Move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
 - If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the school may require that the leave be continued until the end of the semester.
 - If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
 - If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, school may require the employee to continue taking leave until the end of the semester.
- D. The entire period of leave taken under the special rules will be counted as leave. The school will continue to fulfill the school's leave responsibilities and

obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

Dissemination Of Policy

- A. This policy shall be conspicuously posted in each school building in areas accessible to employees.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

18. Chemical Use and Abuse (MSBA #417)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The Noble Academy school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

General Statement Of Policy

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with school policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. It is the policy of this school to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. The school shall establish and maintain in every school a chemical abuse preassessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. It will be the responsibility of the Charter School Director, with the advice of the school board, to establish a school and community advisory team to address chemical abuse problems in the school.
- E. The school shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free school s and workplaces.

Definitions

- A. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student's normal function in academic, school, or social activities is chronically impaired.
- B. "Chemicals" includes but is not limited to alcohol, toxic substances, and controlled substances as defined in the school 's Drug-Free Workplace/Drug-Free School policy.
- C. "School location" includes any school building or on any school premises; on any school -owned vehicle or in any other school -approved vehicle used to

transport students to and from school or school activities; off-school property at any school -sponsored or school -approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school; or during any period of time such employee is supervising students on behalf of the school or otherwise engaged in school business.

Students

A. Instruction

1. The school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. The school shall have age-appropriate and developmentally based activities that:
 - Address the consequences of violence and the illegal use of drugs, as appropriate;
 - Promote a sense of individual responsibility;
 - Teach students that most people do not illegally use drugs;
 - Teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
 - Teach students about the dangers of emerging drugs;
 - Engage students in the learning process; and
 - Incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. The school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
4. The school shall disseminate drug and violence prevention information within the school and to the community.
5. The school shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
6. The school shall have drug and violence prevention activities that may include the following:
 - Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
 - The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.

- Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
- Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school -based mental health services providers and the training of teachers by school -based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
- Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

1. In the event that a school employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:
 - The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
 - The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
 - The administrator will notify law enforcement officials, the student's counselor, and the chemical preassessment team.
 - The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school officials shall be in accordance with school board policies regarding search and seizure.
 - The school will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.

2. If a school employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
 - The employee shall notify the building administrator or a member of the preassessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
 - The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.

3. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, and proposed for expulsion.
4. Searches by school officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.

C. Preassessment Team

- Every school shall have a chemical abuse preassessment team designated by the Charter School Director or designee. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
- The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

D. Data Practices

- Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
- Destruction of Records:
 - If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
 - If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the school.
 - This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

F. School and Community Advisory Team

- The Charter School Director, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school preassessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.
- The advisory team shall:
 - Build awareness of the problem within the community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the schools and other community agencies; and
 - Develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.

Employees

- A. The Charter School Director shall undertake and maintain a drug-free awareness and prevention program to inform employees, students and others about:
 - The dangers and health risks of chemical abuse in the workplace/school .
 - The school 's drug-free workplace/drug-free school policy.
 - Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.
- B. The Charter School Director shall notify any federal granting agency that is required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Charter School Director.

19. Drug Free Workplace/Drug Free School (MSBA #418)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

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

General Statement Of Policy

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

Definitions

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

any period of time such employee is supervising students on behalf of the school or otherwise engaged in school business.

Exceptions

- A. It shall not be a violation of this policy for a person to bring onto a school location, for such person's own use, a controlled substance which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

Procedures

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the school's student medication policy.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Charter School Director.
- F. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

Enforcement

A. Students

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

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

B. Employees

- As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school federal grant is performed, no later than five (5) calendar days after such conviction.
- An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, termination, or discharge as deemed appropriate by the school board.
- In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school. Any employee who fails to satisfactorily participate in and complete such a program is subject to non-renewal, suspension, or termination as deemed appropriate by the school board.
- Sanctions against employees, including non-renewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school policies.

C. The Public

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

20. Tobacco –Free Environment (MSBA #419)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to maintain learning and working environments that are tobacco free.

General Statement Of Policy

- A. It shall be a violation of this policy for any student, teacher, administrator, and other school personnel of the school or person to use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. This prohibition includes all school property and all off-campus events sponsored by the school.
- B. It shall be a violation of this policy for any elementary school, middle school, or secondary school student to possess any type of tobacco or tobacco-related device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. This prohibition includes all school property and all off-campus events sponsored by the school.
- C. The school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

Tobacco And Tobacco Related Devices Defined

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

Exception

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

Enforcement

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

Dissemination Of Policy

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

21. Students and Employees with AIDS and Other Communicable Diseases and Infectious Conditions (MSBA #420)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

Public concern that students and staff of Noble Academy be able to attend the school s without becoming infected with serious communicable or infectious diseases, including but not limited to, Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Hepatitis B, and Tuberculosis, requires that the school board adopt measures effectively responding to health concerns while respecting the rights of all students, employees, and contractors, including those who are so infected. The purpose of this policy is to adopt such measures.

General Statement Of Policy

A. Students

It is the policy of the school board that students with communicable diseases not be excluded from attending school in their usual daily attendance setting so long as their health permits and their attendance does not create a significant risk of the transmission of illness to students or employees of the school. A procedure for minimizing interruptions to learning resulting from communicable diseases will be established by the school in its IEP and Section 504 team process, if applicable, and in consultation with community health and private health care providers. Procedures for the inclusion of students with communicable diseases will include any applicable educational team planning processes, including the review of the educational implications for the student and others with whom the student comes into contact.

B. Employees

It is the policy of the school board that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school.

C. Circumstances and Conditions

1. Determinations of whether a contagious individual's school attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school will be made on a case-by-case basis. Such decisions will be based upon the nature of the risk (how it is transmitted), the duration of the risk (how long the carrier is infectious), the severity of the risk (what is the potential harm to third parties) and the probabilities the disease will be transmitted and will

cause varying degrees of harm. When a student is disabled, such a determination will be made in consultation with the educational planning team.

2. The school board recognizes that some students and some employees, because of special circumstances and conditions, may pose greater risks for the transmission of infectious conditions than other persons infected with the same illness. Examples include students who display biting behavior, students or employees who are unable to control their bodily fluids, whom have oozing skin lesions or who have severe disorders that result in spontaneous external bleeding. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee by consulting with the Commissioner of Health, the physician of the student or employee, and the parent(s)/guardian(s) of the student.

D. Students with Special Circumstances and Conditions

The Charter School Director, along with the infected individual's physician, the infected individual or parent(s)/guardian(s), and others, if appropriate, will weigh risks and benefits to the student and to others, consider the least restrictive appropriate educational placement, and arrange for periodic reevaluation as deemed necessary by the state epidemiologist. The student's physician shall determine the risks to the student.

E. Extracurricular Student Participation

Student participation in nonacademic, extracurricular and non-educational programs of the school are subject to a requirement of equal access and comparable services. Student educational services are subject to FAPE/LRE standards.

F. Precautions

The school will develop routine procedures for infection control at school and for educating employees about these procedures. The procedures shall be developed through cooperation with health professionals taking into consideration guidelines of the Minnesota Department of Education and the Minnesota Department of Health (last revised 1988). (These precautionary procedures shall be consistent with the school's procedures regarding blood-borne pathogens developed pursuant to the school's employee right to know policy.)

G. Information Sharing

- Employee and student health information shall be shared within the school only with those whose jobs require such information and with those who have a legitimate educational interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.

- Employee and student health data shall be shared outside the school only in accordance with state and federal law and with the school 's policies on employee and student records and data.

H. Reporting

If a medical condition of student or staff threatens public health, it must be reported to the Commissioner of Health.

I. Prevention

The school shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases in accordance with Minn. Stat. § 121A.23 that includes:

- Planning materials, guidelines, and other technically accurate and updated information;
- A comprehensive, developmentally appropriate, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
- Cooperation and coordination among school s and Service Cooperatives;
- A targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted diseases and infections, for prevention efforts;
- Involvement of parents and other community members;
- In-service training for staff and school board members;
- Collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or risk reduction program;
- Collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or risk reduction program; and
- Participation by state and local student organizations.
- The program must be consistent with the health and wellness curriculum.
- The school may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

J. Vaccination and Screening

The school will develop procedures regarding the administration of Hepatitis B vaccinations and Tuberculosis screenings containment in keeping with current state and federal law.

22. School Weapons Policy (MSBA #501)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

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

General Statement Of Policy

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

Definitions

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

Exceptions

- A. A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her

possession, and takes the weapon immediately to the Charter School Director's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the Charter School Director's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.

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

- Licensed peace officers, military personnel, or students or non-students participating in military training, who are on duty performing official duties;
- Persons authorized to carry a pistol under Minn. Stat., Section 624.714, while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
- Persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat., Sections 624.714 or 624.715, or other firearms in accordance with Section 97B.045;
 - Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms that are carried or possessed as curiosities or for their historical significance or value."
 - Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with Sections 624.714 and 624.715.
- Firearm safety or marksmanship courses or activities for students or non-students conducted on school property;
- Possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
- A gun or knife show held on school property;
- Possession of dangerous weapons, BB guns, or replica firearms with written permission of the Charter School Director or other person having general control and supervision of the school or the Charter School Director of a child care center; or
- Persons who are on unimproved property owned or leased by a child care center, school or school unless the person knows that a student is currently present on the land for a school -related activity.

C. Policy Application to Instructional Equipment/Tools

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

in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

D. Firearms in School Parking Lots and Parking Facilities

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

Consequences For Student Weapon Possession/Use/Distribution

- A. The school takes a position of “Zero Tolerance” in regard to the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:
- Immediate out-of-school suspension;
 - Confiscation of the weapon;
 - Immediate notification of police;
 - Parent or guardian notification; and
 - Recommendation to the Charter School Director of dismissal for a period of time not to exceed one year.
- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.

C. Administrative Discretion

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

Consequences For Weapon Possession/Use/Distribution By Non-students

A. Employees

- An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, or discharge as deemed appropriate by the school board.
- Sanctions against employees, including non-renewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school policies.

- When an employee violates the weapons policy, law enforcement may be notified, as appropriate.

B. Other Non-students

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

23. Search of Students Lockers, Desks, Personal Possessions and Student's Person (MSBA # 502)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to provide for a safe and healthful educational environment by enforcing the school's policies against contraband.

General Statement Of Policy

A. Lockers and Personal Possessions Within a Locker

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

B. Desks

School desks are the property of the school. At no time does the school relinquish its exclusive control of desks provided for the convenience of students. School officials for any reason may conduct inspection of the interior of desks at any time, without notice, without student consent, and without a search warrant.

C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

- D. It shall be a violation of this policy for students to use lockers and desks for unauthorized purposes or to store contraband. It shall be a violation for students to carry contraband on their person or in their personal possessions.

Definitions

- A. "Contraband" means any unauthorized item possession of which is prohibited by school policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the school, and stolen property.

- B. “Personal possessions” includes but is not limited to purses, backpacks, book bags, packages, and clothing.
- C. “Reasonable suspicion” means that a school official has grounds to believe that the search will result in evidence of a violation of school policy, rules, and/or law. Reasonable suspicion may be based on a school official’s personal observation, a report from a student, parent or staff member, a student’s suspicious behavior, a student’s age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. “Reasonable scope” means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, and/or the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

Procedures

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

Directives And Guidelines

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

Seizure Of Contraband

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

Violations

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

Sections C - K in this policy require Director and Staff input, wording and then this policy can be re-adopted by the board.

24. Student Discipline (MSBA #506)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to ensure that students are aware of and comply with the school 's expectations for student conduct. Such compliance will enhance the school 's ability to maintain discipline and ensure that there is no interference with the educational process. The school will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

General Statement Of Policy

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others and property. Proper positive discipline can only result from an environment that provides options and stresses student self-direction, decision-making and responsibility. School s can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of the school that a fair and equitable -wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school.

Areas Of Responsibility

A. The School Board.

The school board holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.

B. Charter School Director.

The Charter School Director shall establish guidelines and directives to carry out this policy, hold all school personnel, students and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The Charter School Director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

C. Charter School Director.

The Charter School Director is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The Charter School Director shall give direction and support to all school personnel performing their duties within the framework of this policy. The Charter School Director shall consult with parents of students conducting themselves in a manner contrary to the policy. The Charter School Director shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A Charter School Director, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

D. Teachers.

All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

E. Other School Personnel.

All school personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the Charter School Director. A school employee, school bus driver, or other agent of a school, 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.

F. Parents or Legal Guardians.

Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students.

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

H. Community Members.

Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

Student Rights

All students have the right to an education and the right to learn.

Student Responsibilities

All students have the responsibility:

- For their behavior and for knowing and obeying all school rules, regulations, policies and procedures;
- To attend school daily, except when excused, and to be on time to all classes and other school functions;
- To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- To make necessary arrangements for making up work when absent from school ;
- To assist the school staff in maintaining a safe school for all students;
- To be aware of all school rules, regulations, policies and procedures, including those in this policy, and to conduct themselves in accord with them;
- To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;
- To be aware of and comply with federal, state and local laws;
- To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- To respect and maintain the school 's property and the property of others;

- To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school policy;
- To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- To conduct themselves in an appropriate physical or verbal manner; and
- To recognize and respect the rights of others.

Code Of Student Conduct

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property; school -sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school purposes; the area of entrance or departure from school premises or events; and all school -related functions. This policy also applies to any student whose conduct at any time or in any place interferes with

or obstructs the mission or operations of the school or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Hazing;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Opposition to authority using physical force or violence;
7. Using, possessing, or distributing tobacco or tobacco paraphernalia;
8. Using, possessing, distributing, or being under the influence of alcohol or other intoxicating substances or look-alike substances;
9. Using, possessing, distributing, or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
10. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
11. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
12. Violation of the school Weapons Policy;
13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
14. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
15. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
16. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school ;
17. Violation of any local, state or federal law as appropriate;
18. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
19. Possession of nuisance devices or objects that cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;

20. Violation of school bus or transportation rules or the school bus safety policy;
21. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
22. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
23. Possession or distribution of slanderous, libelous or pornographic materials;
24. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
25. Criminal activity;
26. Falsification of any records, documents, notes or signatures;
27. Tampering with, changing, or altering records or documents of the school by any method including, but not limited to, computer access or other electronic means;
28. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
29. Impertinent or disrespectful language toward teachers or other school personnel;
30. Sexual and/or racial abuse and/or harassment;
31. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school personnel, or other persons;
32. Committing an act that inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
33. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
34. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
35. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
36. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
37. Violation of school rules, regulations, policies, or procedures;
38. Other acts, as determined by the school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school,

or which otherwise interferes with or obstruct the mission or operations of the school or the safety or welfare of students or employees.

Disciplinary Action Options

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

- Student conference with teacher, Charter School Director, counselor or other school personnel, and verbal warning;
- Parent contact;
- Parent conference;
- Removal from class;
- In-school suspension;
- Suspension from extracurricular activities;
- Detention or restriction of privileges;
- Loss of school privileges;
- In-school monitoring or revised class schedule;
- Referral to in-school support services;
- Referral to community resources or outside agency services;
- Financial restitution;
- Referral to police, other law enforcement agencies, or other appropriate authorities;
- A request for a petition to be filed in court for juvenile delinquency adjudication;
- Out-of-school suspension under the Pupil Fair Dismissal Act;
- Preparation of an admission or readmission plan;
- Expulsion under the Pupil Fair Dismissal Act;
- Exclusion under the Pupil Fair Dismissal Act; and/or
- Other disciplinary action as deemed appropriate by the school.

Removal Of Students From Class

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, Charter School Director, or other school employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

- Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
- Willful conduct that endangers surrounding persons, including school employees, the student or other students, or the property of the school;
- Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
- Other conduct, which in the discretion of the teacher or administration requires removal of the student from class.

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

- B. If a student is removed from class more than ten (10) times in a school year, the school shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C. ***Procedures for Removal of a Student From a Class. (Under Development)***
- *Specify procedures to be followed by a teacher, administrator or other school employee to remove a student from a class;*
 - *Specify required approvals necessary;*
 - *Specify paperwork and reporting procedures.*
- D. ***Responsibility for and Custody of a Student Removed From Class. (Under Development)***
- *Designation of where student is to go when removed;*
 - *Designation of how student is to get to designated destination;*
 - *Whether student must be accompanied;*
 - *Statement of what student is to do when and while removed;*
 - *Designation of who has control over and responsibility for student after removal from class.*
- E. ***Procedures for Return of a Student to a Class From Which the Student Was Removed. (Under Development)***
- *Specification of procedures;*
 - *Actions or approvals required such as notes, conferences, and readmission plans.*
- F. ***Procedures for Notification. (Under Development)***
- *Specify procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting disciplinary action;*
 - *Actions or approvals required, such as notes, conferences, readmission plans.*
- G. ***Disabled Students; Special Provisions. (Under Development)***
- *Procedures for consideration of whether there is a need for further assessment;*

- *Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Plan (IEP) of a disabled student who is removed from class or disciplined; and*
- *Any procedures determined appropriate for referring students in need of special education services to those services.*

H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises. (Under Development)

- *Establishment of a chemical abuse preassessment team pursuant to Minn. Stat. § 121A.26;*
- *Establishment of a school and community advisory team to address chemical abuse problems pursuant to Minn. Stat. § 121A.27; and*
- *Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minn. Stat. § 121A.29.*

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct. (Under Development)

J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior. (Under Development)

K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems. (Under Development)

Dismissal

- A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding that may result in suspension, exclusion or expulsion.

The school shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
- Willful violation of any reasonable school board regulation, including those found in this policy;
 - 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
 - Willful conduct that endangers the student or other students, or surrounding persons, including school employees, or property of the school.

C. Suspension Procedures

- “Suspension” means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the Charter School Director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.
- If a student’s total days of removal from school exceed ten (10) cumulative days in a school year, the school shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian prior to subsequently removing the student from school . The purpose of this meeting is to attempt to determine the pupil’s need for assessment or other services.
- Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
- In the case of a student with a disability, the student’s individual education plan team shall meet immediately but not more than ten (10) 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 shall, at the 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 (5) or more consecutive days; or (3) the student’s total days of removal from the student’s placement during the school year exceed ten (10) cumulative days in a school year. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. A separate administrative conference shall be conducted for each period of suspension.
- 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 school 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.

- The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of 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 the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
- The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
- In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
- Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

- "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
- "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
- All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
- No expulsion or exclusion shall be imposed without a hearing, unless the student and parent or guardian waives the right to a hearing in writing.

- The student and parent or guardian shall be provided written notice of the school's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
- The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school, student, parent or guardian.
- All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
- The school shall record the hearing proceedings at expense, and a party may obtain a transcript at its own expense.
- The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school in any proceeding.
- If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
- All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
- At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
- The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school.
- The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

- The student cannot be compelled to testify in the dismissal proceedings.
- The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
- The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation 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 (Commissioner) of the basis and reason for the decision.
- A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
- The school shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
- The school shall report each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report shall include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The dismissal report must include state student identification numbers of affected students.
- Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school.

Admission Or Readmission Plan

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

Notification Of Policy Violations

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, Charter School Director or other school official may provide additional notification as deemed appropriate.

Student Discipline Records

It is the policy of the school that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

Disabled Students

Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 Plan specifies a necessary modification.

Where a student is dismissed for five (5) or more consecutive days, or has accumulated more than ten (10) days of dismissal over the course of the school year, the school will convene a meeting to determine whether the student's educational program is appropriate and whether the behavior subject to discipline is a manifestation of the student's disability. Such a meeting must be held within ten (10) days of the school's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team will confer on the appropriate discipline (excluding exclusion or expulsion) and take steps to alter the student's educational program, as necessary. Regardless of whether the behavior is a manifestation of the student's disability, if the team determines that the student's educational program is either not appropriate or not being properly implemented, the team will take steps to alter the program and will take any program alterations into account in determining appropriate discipline.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school shall continue to provide special education and related services after any period of suspension, if suspension is imposed.

Open Enrolled Students

The school may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident (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 may also terminate the enrollment of a nonresident student over the age of sixteen (16) 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.

Distribution Of Policy

The school will notify students and parents of the existence and contents of this policy in such manner, as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and

parents upon enrollment. This policy shall also be available upon request in each Charter School Director's office.

Review Of Policy

The Charter School Director and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the Charter School Director for consideration by the school board, which shall conduct an annual review of this policy.

25. Protection and Privacy of Pupil Records

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

Noble Academy recognizes its responsibility in regard to the collection, maintenance and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

General Statement Of Policy

The following procedures and policies regarding the protection and privacy of parents and students are adopted by the school, pursuant to the requirements of 20 U.S.C. §1232g, *et seq.*, (Family Educational Rights and Privacy Act) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

Definitions

A. Dates of Attendance

Date of attendance, as referred to in Directory Information, means the period of time during which a student attends or attended a school or school s in the school. The term does not include specific daily records of a student’s attendance at a school or school s in the school.

B. Dependent Student

A “dependent student” is an individual who during each of five (5) calendar months during the calendar year in which the taxable year of the parent begins:

- Is a full-time student at an educational institution; or
- Is pursuing a full-time course of instructional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of the state.

C. Directory Information

“Directory information” means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e. full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name, address and telephone number of the student’s parent(s). Directory information does not include personally identifiable data that references religion, race, color, social position or nationality.

D. Education Records

1. What constitutes “education records”.

Education records means those records which: (1) are directly related to a student; and (2) are maintained by the school or by a party acting for the school.

2. What does not constitute an education record?

The term “education records” does not include:

- a. Records of instructional personnel which:
 - Are in the sole possession of the maker of the record; and
 - Are not accessible or revealed to any other individual except a substitute teacher; and
 - Are destroyed at the end of the school year.
- b. Records of a law enforcement unit of the school, provided educational records maintained by the school are not disclosed to the unit, and the law enforcement records are:
 - Maintained separately from education records;
 - Maintained solely for law enforcement purposes; and
 - Disclosed only to law enforcement officials of the same jurisdiction.
- c. Records relating to an individual, including a student, who is employed by the school which:
 - Are made and maintained in the normal course of business;
 - Relate exclusively to the individual in that individual’s capacity as an employee; and
 - Are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school that is employed as a result of his or her status as a student.

- d. Records relating to an eligible student, or a student attending an institution of post-secondary education, which are:
 - Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity or assisting in that capacity;
 - Made, maintained, or used only in connection with the provision of treatment to the student; and
 - Disclosed only to individuals providing the treatment; provided that a physician or other appropriate professional of the student’s choice can personally review the records. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are a part of the program of instruction within the school.
- e. Records that only contain information about an individual after he or she is no longer a student at the school.

E. Eligible Student

“Eligible student” means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

F. Juvenile Justice System

“Juvenile justice system” includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

G. Legitimate Educational Interest

“Legitimate educational interest” includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for education data. It includes a person’s need to know in order to:

- Perform an administrative task required in the school or employee’s contract or position description approved by the school board;
- Perform a supervisory or instructional task directly related to the student’s education; or
- Perform a service or benefit for the student or the student’s family such as health care, counseling, and student job placement or student financial aid.
- Perform a task directly related to responding to a request for data.

H. Parent

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school may presume the parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument that provides to the contrary.

I. Personally Identifiable

“Personally identifiable” means that the data or information includes, but is not limited to: (a) a student’s name; (b) the name of the student’s parent or other family member; (c) the address of the student or student’s family; (d) a personal identifier such as the student’s social security number or student number; (e) a list of personal characteristics that would make the student’s identity easily traceable; or (f) other information that would make the student’s identity easily traceable.

J. Record

“Record” means any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

K. Responsible Authority

“Responsible authority” means the Charter School Director.

L. Student

“Student” includes any individual who is or has been in attendance; enrolled or registered at the school and upon whom the school maintains education records. Student also includes applicants for enrollment or registration at the school, and individuals who receive shared time educational services from the school.

M. School Official

“School official” includes: (a) a person duly elected to the school board; (b) a person employed by the school board in an administrative, supervisory, instructional or other professional position; (c) a person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and (d) a person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, as public information officer or data practices compliance official, an attorney or an auditor for the period of his or her performance as an employee or contractor.

N. Summary Data

“Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

O. Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

General Classification

State law provides that all data collected, created, received or maintained by a school are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school that relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. §1232g and the regulations promulgated there under.

Statement Of Rights

A. Rights of Parents and Eligible Students

Parents and eligible students have the following rights under this policy:

- The right to inspect and review the student’s education records;
- The right to request the amendment of the student’s education records to ensure that they are not inaccurate, misleading or otherwise in violation of the student’s privacy or other rights;
- The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated there under;

- The right to refuse release of secondary students' names, addresses, and home telephone numbers to military recruiting officers;
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the federal law and the regulations promulgated there under;
- The right to be informed about rights under the federal law; and
- The right to obtain a copy of this policy at the location set forth in the COPIES OF POLICY section of this policy.

B. Eligible Students

All rights and protections given parents under this policy transfer to the student when he or she reaches eighteen (18) years of age or enrolls in an institution of post-secondary education. The student then becomes an "eligible student." However, the parents of an eligible student who is also a "dependent student" are entitled to gain access to the educational records of such student without first obtaining the consent of the student.

Disclosure Of Education Records

A. Consent Required for Disclosure

1. The school shall obtain a signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, except as provided herein.
2. The written consent required by this subdivision must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - A specification of the records to be disclosed;
 - The purpose or purposes of the disclosure;
 - The party or class of parties to whom the disclosure may be made; and
 - If appropriate, a termination date for the consent.
3. When a disclosure is made under this subdivision:
 - If the parent or eligible student so requests, the school shall provide him or her with a copy of the records disclosed; and
 - If the parent of a student who is not an eligible student so requests, the school shall provide the student with a copy of the records disclosed.
4. If the responsible authority seeks an individual's informed consent to the release of private data to an insurer or the authorized representative of an insurer, informed consent shall not be deemed to have been given unless the statement is:
 - In plain language;
 - Dated;
 - Specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - Specific as to the nature of the information the subject is authorizing to be disclosed;

- Specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
- Specific as to the purpose or purposes for which the information may be used by any of the parties named in clause e above, both at the time of the disclosure and at any time in the future; and
- Specific as to its expiration date which should be within a reasonable time, not to exceed one year except in the case of authorizations given in connection with applications for (i) life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy, or (ii) medical assistance under Minn. Stat. Ch. 256B or Minnesota Care under Minn. Stat. Ch. 256L, which shall be ongoing during all terms of eligibility, for individualized education program health-related services provided by a school that are subject to third party reimbursement.

5. Eligible Student Consent

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student, except as provided in the STATEMENT OF RIGHTS section of this policy.

B. Prior Consent for Disclosure Not Required

The school may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student unless otherwise provided herein, if the disclosure is:

1. To other school officials, including teachers, within the school whom the school determines have a legitimate educational interest in such records;
2. To officials of other school s or school s in which the student seeks or intends to enroll. The records shall include information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon, and with proper annual notice (See Part XIX.), suspension and expulsion information pursuant to section 4155 of the federal No Child Left Behind Act. The records also shall include a copy of any probable cause notice or any disposition or court order under Minn. Stat. § 260B.171, unless the data are required to be destroyed under Minn. Stat. § 120A.22, Subd. 7(c) or § 121A.75. On request, the school will provide the parent or eligible student with a copy of the education records which have been transferred and provide an opportunity for a hearing to challenge the content of those records in accordance with the REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA section of this policy;
3. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or the Commissioner of the State Department of Education or his or her representative, subject to the conditions relative to such disclosure provided under federal law;
4. In connection with financial aid for which a student has applied or has received, if the information is necessary for such purposes as to:

- Determine eligibility for the aid;
 - Determine the amount of the aid;
 - Determine conditions for the aid; or
 - Enforce the terms and conditions of the aid.
- “Financial aid” for purposes of this provision means a payment of funds provided to an individual or a payment in kind of tangible or intangible property to the individual that is conditioned on the individual’s attendance at an educational agency or institution;
5. To state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute adopted:
 After November 19, 1974, if the reporting or disclosure allowed by state statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records are released, provided the officials and authorities to whom the records are disclosed certify in writing to the school that the data will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student. At a minimum, the school shall disclose the following information to the juvenile justice system under this paragraph: a student’s full name, home address, telephone number, and date of birth; a student’s school schedule, attendance record, and photographs, if any; and parents’ names, home addresses, and telephone numbers;
 6. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction; provided that the studies are conducted in a manner which does not permit the personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted. For purposes of this provision, the term “organizations” includes, but is not limited to, federal, state and local agencies and independent organizations. In the event the Department of Education determines that a third party outside of the school to whom information is disclosed violates this provision, the school may not allow that third party access to personally identifiable information from education records for at least five years.
 7. To accrediting organizations in order to carry out their accrediting functions;
 8. To parents of a dependent student;
 9. To comply with a judicial order or lawfully issued subpoena, provided, however, that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance therewith so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena, or any other subpoena issued for law enforcement purposes, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. In addition, if the school initiates legal action against a parent or student it may disclose to the court, without a court order or subpoena, the education records of the student that are relevant

for the school to proceed with the legal action as plaintiff. Also, if a parent or eligible student initiates a legal action against the school, the school may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school to defend itself.

10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In addition, an educational agency or institution may include in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. This information may be disclosed to teachers and school officials within the school and/or teachers and school officials in other schools who have legitimate educational interests in the behavior of the student;
11. To the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
12. Information the school has designated as "directory information" pursuant to the RELEASE OF DIRECTORY INFORMATION section of this policy;
13. To military recruiting officers pursuant to the MILITARY RECRUITMENT section of this policy;
14. To the parent of a student who is not an eligible student or to the student himself or herself;
15. To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
16. To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students; or
17. To the juvenile justice system, on written request that certifies that the information will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student:
 - the following information about a student must be disclosed: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and any parents' names, home addresses, and telephone numbers;
 - the existence of the following information about a student, not the actual data or other information contained in the student's educational record, may be disclosed provided that a request for access must be submitted on the statutory form and it must contain an explanation of why access to the information is necessary to serve the student: (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under the Pupil Fair Dismissal Act; (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. Prior to releasing this

information, the Charter School Director or chief administrative officer of a school who receives such a request must, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information. If the student's parent or guardian notifies the school official of an objection to the disclosure within ten (10) days of receiving certified notice, the school official must not disclose the information and instead must inform the requesting member of the juvenile justice system of the objection. If no objection from the parent or guardian is received within fourteen (14) days, the school official must respond to the request for information.

The written requests of the juvenile justice system member(s), as well as a record of any release, must be maintained in the student's file.

18. To the Charter School Director where the student attends and to any counselor directly supervising or reporting on the behavior or progress of the student if it is information from a disposition order received by charter School Director under Minn. Stat. § 260B.171, Subd. 3. The Charter School Director must notify the counselor immediately and must place the disposition order in the student's permanent education record. The Charter School Director also must notify immediately any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the Charter School Director believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The Charter School Director may also notify other school employees, substitutes, and volunteers who are in direct contact with the student if the Charter School Director determines that these individual need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the Charter School Director must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information if this information is provided in the disposition order. Disposition order information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information may not be further disseminated by the counselor, teacher, administrator, staff member, substitute, or volunteer except as necessary to serve the student, to protect students and staff, or as otherwise required by law, and only to the student or the student's parent or guardian.
19. To the Charter School Director where the student attends if it is information from a peace officer's record of children received by charter School Director under Minn. Stat. § 260B.171, Subd. 5. The Charter School Director must place the information in the student's educational record. The Charter School Director also must notify immediately any teacher, counselor, or administrator directly supervising the student whom the Charter School Director believes needs the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The Charter School Director may also notify other employees, substitutes, and volunteers who are in direct contact with the

student if the Charter School Director determines that these individuals need the information to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Such notices from the Charter School Director must identify the student and describe the alleged offense if this information is provided in the peace officer's notice. Peace officer's record information received is private educational data received for the limited purpose of serving the educational needs of the student and protecting students and staff. The information must not be further disseminated by the counselor, teacher administrator, staff member, substitute, or volunteer except to communicate with the student or the student's parent or guardian as necessary to serve the student, to protect students and staff, or as otherwise required by law.

The Charter School Director must delete the peace officer's record from the student's educational record, destroy the data, and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received information from the peace officer's record if the county attorney determines not to proceed with a petition or directs the student into a diversion or mediation program or if a juvenile court makes a decision on a petition and the county attorney or juvenile court notifies the Charter School Director of such action.

Release Of Directory Information

A. Classification

Directory information is public except as provided herein.

B. Former Students

Unless a former student affirmatively opted out of the release of directory information in his or her last year of attendance, the school may disclose directory information from the education records generated by it regarding the former student without meeting the requirements of Paragraph C. of this section. In addition, under an explicit exclusion from the definition of an "education record," the school may release records that only contain information about an individual obtained after he or she is no longer a student at the school.

C. Present Students and Parents

The school may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided herein. Prior to such disclosure the school shall:

1. Annually give public notice by any means that are reasonably likely to inform the parents and eligible students of:
 - The types of personally identifiable information regarding students and/or parents that the school has designated as directory information;

- The parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student and/or the parent as directory information; and
 - The period of time in which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information about the student and/or the parent designated as directory information.
2. Allow a reasonable period of time after such notice has been given for a parent or eligible student to inform the school, in writing, that any or all of the information so designated should not be disclosed without the parent's or eligible student's prior written consent, except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy.

D. Procedure for Obtaining Nondisclosure of Directory Information

The parent's or eligible student's written notice shall be directed to the responsible authority and shall include the following:

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

E. Duration

The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided herein.

Disclosure Of Private Records

A. Private Records

For the purposes herein, education records are records that are classified as private data on individuals by state law and which are accessible only to the student who is the subject of the data and the student's parent if the student is not an eligible student. The school may not disclose private records or their contents except as summary data, or except as provided in the DISCLOSURE OF EDUCATION RECORDS section of this policy, without the prior written consent of the parent or the eligible student.

B. Private Records Not Accessible to Parent

In certain cases state law intends, and clearly provides, that certain information contained in the education records of the school pertaining to a student be accessible to the student alone, and to the parent only under special circumstances, if at all.

1. The responsible authority may deny access to private data by a parent when a minor student who is the subject of that data requests that the responsible authority deny such access. The minor student's request must

be submitted in writing setting forth the reasons for denying access to the parent and must be signed by the minor. Upon receipt of such request the responsible authority shall determine if honoring the request to deny the parent access would be in the best interest of the minor data subject. In making this determination the responsible authority shall consider the following factors:

- Whether the minor is of sufficient age and maturity to be able to explain the reasons for and understand the consequences of the request to deny access;
- Whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- Whether there are grounds for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- Whether the data in question is of such a nature that disclosure of it to the parent may lead to physical or emotional harm to the minor data subject; and
- Whether the data concerns medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341-144.347, in which case the data may be released only if the failure to inform the parent would seriously jeopardize the health of the minor.

C. Private Records Not Accessible to Student

Students shall not be entitled to access to private data concerning financial records and statements of the student's parent or any information contained therein.

Disclosure Of Confidential Records

A. Confidential Records

Confidential records are those records and data contained therein which state or federal law makes not public, and which are inaccessible to the student and the student's parents or to an eligible student.

B. Reports Under the Maltreatment of Minors Reporting Act

Pursuant to Minn. Stat. § 626.556, reports pertaining to a neglected and/or physically and/or sexually abused child shall be accessible only to the appropriate welfare and law enforcement agencies. In respect to other parties, such data shall be confidential and will not be made available to the parent or the subject individual by the school. The subject individual, however, may obtain a copy of the report from either the local welfare agency, county sheriff or the local police department subject to the provisions of Minn. Stat. § 626.556, Subd. 11.

C. Investigative Data

Data collected by the school as part of an active investigation undertaken for the purpose of the commencement or defense of pending civil legal action, or which are retained in anticipation of a pending civil legal action are classified as protected nonpublic data in

the case of data not on individuals, and confidential data in the case of data on individuals.

1. The school may make any data classified as protected non-public or confidential pursuant to this subdivision accessible to any person, agency or the public if the school determines that such access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.
2. A complainant has access to a statement he or she provided to the school.
3. Once a civil investigation becomes inactive, civil investigative data becomes public unless the release of the data would jeopardize another pending civil legal action, except for those portions of such data that are classified as not public data under state or federal law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. For purposes of this provision, a civil investigation becomes inactive upon the occurrence of any of the following events:
 - a decision by the school , or by the chief attorney for the school , not to pursue the civil legal action. However, such investigation may subsequently become active if the school or its attorney decides to renew the civil legal action;
 - the expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil legal action; or
 - the exhaustion or expiration of rights of appeal by either party to the civil legal action.
4. A “pending civil legal action” for purposes of this subdivision is defined as including, but not limited to, judicial, administrative or arbitration proceedings.

Disclosure Of School Records Prior To Exclusion Or Expulsion Hearing

At a reasonable time prior to any exclusion or expulsion hearing, the student and the student’s parent or guardian or representative shall be given access to all school records pertaining to the student, including any tests or reports upon which the action proposed by the school may be based, pursuant to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40, *et seq.*

Disclosure Of Data To Military Recruitment Officers

- A. The School will release the names, addresses, and home telephone numbers of secondary students to military recruiting officers within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data to military recruiters pursuant to Paragraph C. below.
- B. Data released to military recruiting officers under this provision:
 - May be used only for the purpose of providing information to students about military service, state and federal veterans’ education benefits, and other career and educational opportunities provided by the military; and

- Cannot be further disseminated to any other person except personnel of the recruiting services of the armed forces.
- C. A parent or eligible student has the right to refuse the release of the name, address, or home telephone number to military recruiting officers. To refuse the release of the above information to military recruiting officers, a parent or eligible student must notify the the Charter School Director, in writing, by September 10 each year. The written request must include the following information:
 - Name of student and parent, as appropriate;
 - Home address;
 - Student's grade level;
 - School presently attended by student;
 - Parent's legal relationship to student, if applicable;
 - Specific category or categories of information which are not to be released to military recruiters; and
 - Specific category or categories of information that are not to be released to the public, including military recruiters.
- D. Annually, the school will provide public notice by any means that are reasonably likely to inform the parents and eligible students of their rights to refuse to release the names, addresses, and home phone numbers of secondary students without prior consent.
- E. A parent or eligible student's refusal to release the above information to military recruiting officers does not affect the school's release of directory information to the rest of the public, which includes military recruiting officers. In order to make any directory information about a student private, the procedures contained in the RELEASE OF DIRECTORY INFORMATION section of this policy also must be followed. Accordingly, to the extent the school has designated the name, address, phone number, and grade level of students as directory information, absent a request from a parent or eligible student not to release such data, this information will be public data and accessible to members of the public, including military recruiting officers.

Limits On Redisclosure

A. Redisclosure

Consistent with the requirements herein, the school may only disclose personally identifiable information from the education records of a student on the condition that the party to whom the information is to be disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the officers, employees and agents of any party receiving personally identifiable information under this section may use the information, but only for the purposes for which the disclosure was made.

B. Redisclosure Not Prohibited

1. Subdivision A. of this section does not preclude the school from disclosing personally identifiable information under the DISCLOSURE

OF EDUCATION RECORDS section of this policy with the understanding that the party receiving the information may make further disclosures of the information on behalf of the school provided:

- The disclosures meet the requirements of the DISCLOSURE OF EDUCATION RECORDS section of this policy; and
- The school has complied with the record-keeping requirements of the RESPONSIBLE AUTHORITY; RECORD SECURITY; AND RECORD KEEPING section of this policy.

2. Subdivision A. of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas or litigation, to disclosures of directory information, to disclosures to a parent or student, or to parents of dependent students.

C. Classification of Disclosed Data

The information disclosed shall retain the same classification in the hands of the party receiving it as it had in the hands of the school.

D. Notification

The school shall, except for disclosures made pursuant to court orders or lawfully issued subpoenas, disclosure of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or disclosures to a parent or student, the school shall inform the party to whom a disclosure is made of the requirements set forth in this section. In the event that the Family Policy Compliance Office determines that a third party improperly rediscloses personally identifiable information from education records, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

Responsible Authority, Record Security; And Record Keeping

A. Responsible Authority

The responsible authority shall be responsible for the maintenance and security of student records.

B. Record Security

The Charter School Director of each school subject to the supervision and control of the responsible authority shall be the records manager of the school, and shall have the duty of maintaining and securing the privacy and/or confidentiality of student records.

C. Plan for Securing Student Records

The director shall submit to the responsible authority a written plan for securing students records by September 1 of each school year. The written plan shall contain the following information:

- A description of records maintained;
- Titles and addresses of person(s) responsible for the security of student records;

- Location of student records, by category, in the buildings;
- Means of securing student records; and
- Procedures for access and disclosure.

D. Review of Written Plan for Securing Student Records

The responsible authority shall review the plans submitted pursuant to Paragraph C. of this section for compliance with the law, this policy and the various administrative policies of the school. The responsible authority shall then promulgate a chart incorporating the provisions of Paragraph C. that shall be attached to and become a part of this policy.

E. Record Keeping

1. The Charter School Director shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record with the education records of the student which indicates:
 - The parties who have requested or received personally identifiable information from the education records of the student; and
 - The legitimate interests these parties had in requesting or obtaining the information;
2. In the event the school discloses personally identifiable information from an education record of a student pursuant to Paragraph B. of the LIMITS ON REDISCLOSURE section of this policy, the record of disclosure required under this section shall also include:
 - the names of the additional parties to which the receiving party may disclose the information on behalf of the school ; and
 - the legitimate interests under the DISCLOSURE OF EDUCATION RECORDS section of this policy which each of the additional parties has in requesting or obtaining the information.
3. Paragraph (1) of Record Keeping does not apply to requests by or disclosure to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student, requests by or disclosures to other school officials under Paragraph B.1 of the DISCLOSURE OF EDUCATION RECORDS section of this policy, to requests for disclosures of directory information under the RELEASE OF DIRECTORY INFORMATION section of this policy, or to a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the existence or the contents of the subpoena or the information provided in response to the subpoena not be disclosed.
4. The record of requests of disclosures may be inspected by:
 - The parent of the student or the eligible student;
 - The school official or his or her assistants who are responsible for the custody of the records; and

- The parties authorized by law to audit the record-keeping procedures of the school .
5. The record of requests and disclosures shall be maintained with the education records of the student as long as the school maintains the student's education records.

Right To Inspect And Review Education Records

A. Parent of a Student, an Eligible Student or the Parent of an Eligible Student Who is Also a Dependent Student

The school shall permit the parent of a student, an eligible student or the parent of an eligible student who is also a dependent student who is or has been in attendance in the school to inspect or review the education records of the student, except those records which are made confidential by state or federal law or as otherwise provided in the DISCLOSURE OF PRIVATE RECORDS section of this policy.

B. Response to Request for Access

The school shall respond to any request pursuant to Subdivision A. of this section immediately, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays.

C. Right to Inspect and Review

The right to inspect and review education records under Subdivision A. of this section includes:

- The right to a response from the school to reasonable requests for explanations and interpretations of records; and
- If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the school shall provide the parent or eligible student with a copy of the records requested, or make other arrangements for the parent or eligible student to inspect and review the requested records.

D. Form of Request

Parents or eligible students shall submit to the school a written request to inspect education records which identify as precisely as possible the record or records he or she wishes to inspect.

E. Collection of Student Records

If a student's education records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from the various locations so they may be inspected at one site. However, if the parent or eligible student wishes to inspect these records where they are maintained, the school shall attempt to accommodate those wishes. The parent or eligible student shall be notified of the time and place where the records may be inspected.

F. Records Containing Information on More Than One Student

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information that pertains to that student.

G. Authority to Inspect or Review

The school may presume that either parent of the student has authority to inspect or review the education records of a student unless the school has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as marriage dissolution, separation or custody which provides to the contrary.

H. Fees for Copies of Records

1. The school shall charge a reasonable fee for providing photocopies or printed copies of records unless printing a copy is the only method to provide for the inspection of data. In determining the amount of the reasonable fee, the school shall consider the following:
 - The cost of materials, including paper, used to provide the copies;
 - The cost of the labor required to prepare the copies;
 - Any schedule of standard copying charges established by the school in its normal course of operations;
 - Any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
 - Mailing costs.
2. The cost of providing copies shall be borne by the parent or eligible student.
3. The responsible authority, however, may not impose a fee for a copy of an education record made for a parent or eligible student if doing so would effectively prevent the parent or eligible student from exercising their right to inspect or review the student's education records.
4. The school reserves the right to make a charge for copies such as transcripts it forwards to potential employers or post-secondary institutions for employment or admissions purposes. The fee for such copies and other copies forwarded to third parties with prior consent, as a convenience, will be from \$1 to \$15 plus postage if that is involved.

Request To Amend Records; Procedures To Challenge Data

A. Request to Amend Education Records

The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy or other rights of the student may request that the school amend those records.

1. The request shall be in writing, shall identify the item the requestor believes to be inaccurate, misleading or in violation of the privacy or other rights of the student, shall state the reason for this belief, and shall specify the correction the requestor wishes the school to make. The request shall be signed and dated by the requestor.
2. The school shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time after receiving the request.
3. If the school decides to refuse to amend the education records of the student in accordance with the request, it shall inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Subdivision B. of this section.

B. Right to a Hearing

If the school refuses to amend the education records of a student, the school, on request, shall provide an opportunity for a hearing in order to challenge the content of the student's education records to ensure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A hearing shall be conducted in accordance with Subdivision C. of this section.

- If, as a result of the hearing, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
- If, as a result of the hearing, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school, or both.
- Any statement placed in the education records of the student under Subdivision B. of this section shall:
 - Be maintained by the school as part of the education records of the student so long as the record or contested portion thereof is maintained by the school; and
 - If the education records of the student or the contested portion thereof is disclosed by the school to any party, the explanation shall also be disclosed to that party.

C. Conduct of Hearing

- The hearing shall be held within a reasonable period of time after the school has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.

- Any individual, including an official of the school who does not have a direct interest in the outcome of the hearing, may conduct the hearing. The school board attorney shall be in attendance to present the school board's position and advise the designated hearing officer on legal and evidentiary matters.
- The parent of the student or eligible student shall be afforded a full and fair opportunity for hearing to present evidence relative to the issues raised under Subdivisions A. and B. of this section and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.
- The school shall make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include a summary of evidence and reasons for the decision.

D. Appeal

The final decision of the designated hearing officer may be appealed in accordance with the applicable provisions of the Minn. Stat. Ch. 14 relating to contested cases.

Problems Accessing Data

- The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
- Data practices compliance official means the Director of the Charter School.

Complaints For Noncompliance

A. Where to File Complaints

Complaints regarding alleged violations of rights accorded parents and eligible students by 20 U.S.C. §1232g, and the rules promulgated there under, shall be submitted in writing to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

B. Content of Complaint

A complaint filed pursuant to this section must contain specific allegations of fact giving reasonable cause to believe that a violation of 20 U.S.C. §1232g and the rules promulgated there under has occurred.

Waiver

A parent or eligible student may waive any of his or her rights provided herein pursuant to 20 U.S.C. §1232g. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The school may not require such a waiver.

Annual Notification Of Rights

A. Contents of Notice

The school shall give parents of students currently in attendance and eligible students currently in attendance annual notice by such means as are reasonably likely to inform the parents and eligible students of the following:

- That the parent or eligible student has a right to inspect and review the student's education records and the procedure for inspecting and reviewing education records;
- That the parent or eligible student has a right to seek amendment of the student's education records to ensure that those records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights and the procedure for requesting amendment of records;
- That the parent or eligible student has a right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that federal and state law and the regulations promulgated there under authorize disclosure without consent;
- That the parent or eligible student has a right to file a complaint with the U.S. Department of Education regarding an alleged failure by the school to comply with the requirements of 20 U.S.C. §1232g, and the rules promulgated there under;
- The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of disclosing education records to other school officials whom the school has determined to have legitimate educational interests; and
- That the school forwards education records on request to a school in which a student seeks or intends to enroll including suspension and expulsion records pursuant to the federal No Child Left Behind Act and, if applicable, a student's history of violent behavior.

B. Notification to Parents of Students Having a Primary Home Language Other Than English

The school shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

C. Notification to Parents or Eligible Students Who are Disabled

The school shall provide for the need to effectively notify parents or eligible students identified as disabled.

Destruction And Retention Of Records

State and federal law shall control destruction and retention of records by the school.

Copies Of Policy

Parents and eligible students may obtain copies of this policy at the office of The Charter School Director.

26. Student Medication (ISD #516)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to set forth the provisions that must be followed when administering non-emergency prescription medication to students at school.

General Statement Of Policy

The school acknowledges that some students may require prescribed drugs or medication during the school day. The school's licensed school nurse, trained health clerk, Charter School Director, or teacher will administer prescribed medications in accordance with law and school procedures.

Requirements

- A. The administration of prescription medication or drugs at school requires a completed signed request from the student's parent. An oral request must be reduced to writing within two school days, provided that the school may rely on an oral request until a written request is received.
- B. An "Administering Prescription Medications" form must be completed annually (once per school year) and/or when a change in the prescription or requirements for administration occurs.
- C. Prescription medication must come to school in the original container labeled for the student by a pharmacist in accordance with law, and must be administered in a manner consistent with the instructions on the label.
- D. The school nurse may request to receive further information about the prescription, if needed, prior to administration of the substance.
- E. Prescription medications are not to be carried by the student, but will be left with the appropriate school personnel. Exceptions to this requirement are: prescription asthma medications self-administered with an inhaler (See Part J.5. below), and medications administered as noted in a written agreement between the school and the parent or as specified in an IEP (individualized education program), Section 504 plan, or IHP (individual health plan).
- F. The school must be notified immediately by the parent or student 18 years old or older in writing of any change in the student's prescription medication administration. A new medical authorization or container label with new pharmacy instructions shall be required immediately as well.
- G. For drugs or medicine used by children with a disability, administration may be as provided in the IEP, Section 504 plan or IHP.

- H. The school nurse, or other designated person, shall be responsible for the filing of the Administering Prescription Medications form in the health records section of the student file. The school nurse, or other designated person, shall be responsible for providing a copy of such form to the Charter School Director and to other personnel designated to administer the medication.
- I. Procedures for administration of drugs and medicine at school and school activities shall be developed in consultation with a school nurse, a licensed school nurse, or a public or private health organization or other appropriate party (if appropriately contracted by the school under Minn. Stat. § 121A.21). The school administration shall submit these procedures and any additional guidelines and procedures necessary to implement this policy to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

J. Specific Exceptions:

1. Special health treatments and health functions such as catheterization, tracheostomy suctioning, and gastrostomy feedings do not constitute administration of drugs and medicine;
2. Emergency health procedures, including emergency administration of drugs and medicine are not subject to this policy;
3. Drugs or medicine provided or administered by a public health agency to prevent or control an illness or a disease outbreak are not governed by this policy;
4. Drugs or medicines used at school in connection with services for which a minor may give effective consent are not governed by this policy;
5. Drugs or medicines that are prescription asthma or reactive airway disease medications can be self-administered by a student with an asthma inhaler if:
 - The school has received a written authorization from the pupil's parent permitting the student to self-administer the medication;
 - The inhaler is properly labeled for that student; and
 - The parent has not requested school personnel to administer the medication to the student.

The parent must submit written authorization for the student to self-administer the medication each school year. In a school that does not have a school nurse or school nursing services, the student's parent or guardian must submit written verification from the prescribing professional which documents that an assessment of the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting has been completed.

If the School employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party must assess the student's knowledge and skills to safely possess and use an asthma inhaler in a school setting and enter into the student's school health record a plan to implement safe possession and use of asthma inhalers.
6. Medications:
 - That are used off school grounds;
 - That are used in connection with athletics or extracurricular activities; or

- That are used in connection with activities that occur before or after the regular school day
Are not governed by this policy.
7. Nonprescription Medication. Only prescription medications are governed by this policy.
- K. “Parent” for students 18 years old or older is the student.

27. Internet Acceptable Use Policy (MSBA # 524)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

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

General Statement Of Policy

In making decisions regarding student and employee access to the school computer system and the Internet, including electronic communications, the school considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the school 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 expects that faculty will blend thoughtful use of the school computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

Limited Educational Purpose

The school is providing students and employees with access to the school computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The school 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 system to further educational and personal goals consistent with the mission of the school and school policies. Uses that might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

Use Of System Is A Privilege

The use of the school 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 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 policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

Unacceptable Uses

- A. The following uses of the school system and Internet resources or accounts are considered unacceptable:
 - Users will not use the school system to access, review, upload, download, store, print, post, receive, transmit or distribute:
 - Pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;

- Obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - Materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
 - Information or materials that could cause damage or danger of disruption to the educational process;
 - Materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
- Users will not use the school 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.
 - Users will not use the school system to engage in any illegal act or violate any local, state or federal statute or law.
 - Users will not use the school 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 system software, hardware or wiring or take any action to violate the school 's security system, and will not use the school system in such a way as to disrupt the use of the system by other users.
 - Users will not use the school 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.
 - Users will not use the school system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
 - Users must keep all account information and passwords on file with the designated school official. Users will not attempt to gain unauthorized access to the school system or any other system through the school system, attempt to log in through another person's account, or use computer accounts, access codes or network identification other than those assigned to the user. Messages and records on the school system may not be encrypted without the permission of appropriate school authorities.
 - Users will not use the school 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.

- Users will not use the school system for conducting business, for unauthorized commercial purposes or for financial gain unrelated to the mission of the school. Users will not use the school system to offer or provide goods or services or for product advertisement. Users will not use the school system to purchase goods or services for personal use without authorization from the appropriate school official.
- B. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school official. In the case of a school employee, the immediate disclosure shall be to the employee's immediate supervisor and/or the building administrator. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of a school employee, the building administrator.

Filter

- A. All School computers with Internet access and available for student use will be equipped to restrict, by use of available software filtering technology or other effective methods, all student access to materials that are reasonably believed to be obscene, child pornography or harmful to minors under state or federal law.
- B. All School computers with Internet access, not just those accessible and available to students, will be equipped to restrict, by use of available software filtering technology or other effective methods, adult access to materials that are reasonably believed to be obscene or child pornography under state or federal law.
- C. With respect to any of its computers with Internet access, the School will monitor the online activities of minors 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:
 - Obscene;
 - Child pornography; or
 - Harmful to minors.
- D. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 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
 - 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 Charter School Director may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

Consistency With Other School Policies

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

Limited Expectation Of Privacy

- By authorizing use of the school system, the school does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school system.
- Routine maintenance and monitoring of the school system may lead to a discovery that a user has violated this policy, another school policy, or the law.
- 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 policy.
- Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- School employees should be aware that the school retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, school employees should be aware that data and other materials in files maintained on the school system might be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- The school will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school policies conducted through the school system.

Internet Use Agreement

- 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.
- 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.
- The Internet Use Agreement form for students must be read and signed by the user, the parent or guardian, and the supervising teacher. The employee must sign the Internet Use Agreement form for employees. The form must then be filed at the school office. As supervising teachers change, the agreement signed by the new teacher shall be attached to the original agreement.

Limitation On School Liability

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

User Notification

- A. All users shall be notified of the school policies relating to Internet use.
- B. This notification shall include the following:
 - Notification that Internet use is subject to compliance with school policies.
 - Disclaimers limiting the school 's liability relative to:
 - Information stored on school diskettes, hard drives or servers.
 - Information retrieved through school computers, networks or online resources.
 - Personal property used to access school computers, networks or online resources.
 - Unauthorized financial obligations resulting from use of school resources/accounts to access the Internet.
 - A description of the privacy rights and limitations of school sponsored/managed Internet accounts.
 - Notification that, even though the school 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.
 - Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
 - Notification that the collection, creation, reception, maintenance and dissemination of data via the Internet, including electronic communications, is governed by Policy 406, Public and Private Personnel Data, and Policy 515, Protection and Privacy of Pupil Records.
 - Notification that, should the user violate the school 's acceptable use policy, the user's access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.
 - Notification that all provisions of the acceptable use policy is subordinate to local, state and federal laws.

Parents' Responsibility; Notification Of Student Internet Use

- A. Outside of school, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies and other possibly offensive media. Parents are responsible for

monitoring their student's use of the school system and of the Internet if the student is accessing the school system from home or a remote location.

- B. Parents will be notified that their students will be using school resources/accounts to access the Internet and that the school will provide parents the option to request alternative activities not requiring Internet access. This notification should include:
- A copy of the user notification form provided to the student user.
 - A description of parent/guardian responsibilities.
 - A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 - A statement that the Internet Use Agreement must be signed by the user, the parent or guardian, and the supervising teacher prior to use by the student.
 - A statement that the school 's acceptable use policy is available for parental review.

Implementation; Policy Review

- A. The school administration may develop appropriate user notification forms, guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines, forms and procedures shall be an addendum to this policy.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The school 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.

28. Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds (MSBA #532)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

General Statement Of Policy

The school is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

All students, including those with IEPs, are subject to the terms of the school 's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school 's discipline policy.

If a student with an IEP engages in conduct, which, in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

Definitions

For purposes of this policy, the following terms have the meaning given them in this section:

- "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- "Police liaison officer" is a peace officer who, pursuant to an agreement between the school and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and

are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.

- The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- “Emergency” means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury, emotional abuse due to verbal and nonverbal gestures, or to prevent severe property damage.
- All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

Removal Of Students With IEPs From School Grounds

A. Removal By Crisis Team

If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may be summoned. The crisis team may attempt to de-escalate the student’s behavior by means including, but not limited to, those described in the student’s IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student’s behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student’s behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team, building administrator, or the building administrator’s designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

Whether or not a student with an IEP engages in conduct that endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school’s policy, Protection and Privacy of Pupil Records.

The fact that special education law covers a student with an IEP does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

C. Reasonable Force Permitted

In removing a student with an IEP from school grounds, a school Charter School Director, other crisis team members, or the police liaison officer or other agents of the school, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

In removing a student with an IEP from school grounds, police liaison officers and school personnel are further prohibited from engaging in the following conduct:

- Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain as an aversive procedure;
- Presenting intense sounds, lights, or other sensory stimuli as an aversive stimulus;
- Using noxious smell, taste, substance, or spray as an aversive stimulus;
- Denying or restricting the student's access to equipment and devices such as hearing aids and communication boards that facilitate the student's functioning except temporarily when the student is perceived to be destroying or damaging equipment or devices;
- Using faradic skin shock;
- Restricting, totally or partially, the student's auditory or visual sense, except that study carrels may be used as an academic intervention;
- Withholding regularly scheduled meals or water; and/or
- Denying the student access to toilet facilities.

D. Parental Notification

The building administrator or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIP.

F. Effect of Policy in an Emergency; Use of Conditional Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP,

IIP, or behavior intervention plan authorizes the use of one or more conditional procedures, the crisis team may employ those conditional procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds. If the crisis team initiates use of conditional procedures in an emergency, the student's IEP team shall meet as soon as possible, but no later than five (5) school days after emergency procedures have commenced.

29. Student Transportation Safety (MSBA #709)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Noble Academy policy is to provide safe transportation for students and to educate students on safety issues and the responsibilities of school bus ridership.

Plan For Student Transportation Safety Training

A. School Bus Safety Week

The school may designate a school bus safety week. The National School Bus Safety Week is the third full week in October.

B. Student Training

1. The school shall provide students enrolled in grades kindergarten (K) through 10 with age-appropriate school bus safety training of the following concepts:
 - Transportation by school bus is a privilege, not a right;
 - School policies for student conduct and school bus safety;
 - Appropriate conduct while on the bus;
 - The danger zones surrounding a school bus;
 - Procedures for safely boarding and leaving a school bus;
 - Procedures for safe vehicle lane crossing; and
 - School bus evacuation and other emergency procedures.
2. All students in grades K through 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the third week of school. All students in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training by the end of the sixth week of school, if they have not received school bus training in grades K through 6. Students in grades K through 10 who enroll in a school after the second week of school, are transported by school bus, and have not received training in their previous schools shall undergo school bus safety training or receive bus safety instructional materials within four weeks of their first day of attendance.
3. The school must provide students enrolled in grades K through 3 school bus safety training twice during the school year.
4. Students in grades 9 and 10 must receive training in the laws and proper procedures for operating a motor vehicle in the vicinity of a school bus.
5. The school will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.
6. The school may provide kindergarten students with school bus safety training before the first day of school.
7. The school may provide student safety education for bicycling and pedestrian safety for students in grades K through 5.

8. The school shall adopt and make available for public review a curriculum for transportation safety education.

Conduct On School Buses And Consequences For Misbehavior

- A. Riding the school bus is a privilege, not a right. The school's general student behavior rules are in effect for students on school buses.
- B. Consequences for school bus/bus stop misconduct will be imposed by the school under adopted administrative discipline procedures. In addition, all school bus/bus stop misconduct will be reported to the Charter School Director. Serious misconduct may be reported to local law enforcement.

1. School Bus and Bus Stop Rules. The school bus safety rules are to be posted on every bus. If these rules are broken, the school's discipline procedures are to be followed. Consequences are progressive and may include suspension of bus privileges. It is the school bus driver's responsibility to report unacceptable behavior to the school's Transportation Office/School Office.

2. Rules at the Bus Stop

- Get to your bus stop five minutes before your scheduled pick up time. The school bus driver will not wait for late students.
- Respect the property of others while waiting at your bus stop.
- Keep your arms, legs and belongings to yourself.
- Use appropriate language.
- Stay away from the street, road or highway when waiting for the bus.
- Wait until the bus stops before approaching the bus.
- After getting off the bus, move away from the bus.
- If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- No fighting, harassment, intimidation or horseplay.
- No use of alcohol, tobacco or drugs.

3. Rules on the Bus

- Immediately follow the directions of the driver.
- Sit in your seat facing forward.
- Talk quietly and use appropriate language.
- Keep all parts of your body inside the bus.
- Keep your arms, legs and belongings to yourself.
- No fighting, harassment, intimidation or horseplay.
- Do not throw any object.
- No eating, drinking or use of tobacco or drugs.
- Do not bring any weapons or dangerous objects on the school bus.
- Do not damage the school bus.

4. Consequences

- a. Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co curricular and extracurricular

events (for example, field trips or competitions) will be in the sole discretion of the school. Parents or guardians will be notified of any suspension of bus privileges.

(1) Elementary (K-6)

- 1st offense -- warning
- 2nd offense – 3 school -day suspension from riding the bus
- 3rd offense – 5 school -day suspension from riding the bus
- 4th offense – 10 school -day suspension from riding the bus/meeting with parent
- Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

(2) Secondary (7-12)

- 1st offense – warning
- 2nd offense – 5 school -day suspension from riding the bus
- 3rd offense – 10 school -day suspension from riding the bus
- 4th offense – 20 school -day suspension from riding the bus/meeting with parent
- 5th offense – suspended from riding the bus for the remainder of the school year

Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense.

(3) Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

(4) Records

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that causes an immediate and substantial danger to the student or surrounding persons or property will be provided by the school to the Department of Public Safety in accordance with state and federal law.

(5) Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within two weeks may result in the loss of bus privileges until damages are paid.

(6) Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

(7) Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, possession or vandalism), the appropriate school personnel and local law enforcement officials will be informed.

Parent And Guardian Involvement

A. Parent and Guardian Notification

The school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

- Become familiar with school rules, policies, regulations and the principles of school bus safety, and thoroughly review them with their children;
- Support safe riding and walking practices, and recognize that students are responsible for their actions;
- Communicate safety concerns to their school administrators;
- Monitor bus stops, if possible;
- Have their children to the bus stop five minutes before the bus arrives;
- Have their children properly dressed for the weather; and
- Have a plan in case the bus is late.

School Bus Driver Duties And Responsibilities – For Buses Owned, Leased Or Contracted By School

- A. School bus drivers shall have a valid Class A, B, or C Minnesota driver’s license with a school bus endorsement. A person possessing a valid driver’s license, without a school bus endorsement, may drive a vehicle with a seating capacity of 10 or fewer persons used as a school bus, but not outwardly equipped or identified as a school bus as set forth in Section VII.B., below. Drivers with a valid Class D driver’s license, without a school bus endorsement, may operate a “Type A” school bus as set forth in Section VII.C., below.
- B. The school shall conduct mandatory drug and alcohol testing of all school bus drivers and bus driver applicants in accordance with state and federal law and school policy.

School Bus Driver Training – For Buses Owned, Leased Or Contracted By School

A. Training

All new school bus drivers shall be provided with pre-service training, including in-vehicle (actual driving) instruction before transporting students and shall meet the competency testing specified in the Minnesota Department of Public Safety Model School Bus Driver Training Manual. All school bus drivers shall receive in-service training annually. The school shall retain on file an annual individual school bus driver “evaluation certification” form for each school driver as contained in the Model School Bus Driver Training Manual.

B. Evaluation

School bus drivers with a Class D license will be evaluated annually and all other bus drivers will be assessed periodically for the following competencies:

- Safely operate the type of school bus the driver will be driving;
- Understand student behavior, including issues relating to students with disabilities;
- Ensure orderly conduct of students on the bus and handling incidents of misconduct appropriately;
- Know and understand relevant laws, rules of the road and local school bus safety policies.
- Handle emergency situations; and
- Safely load and unload students.

The evaluation must include completion of an individual “school bus driver evaluation form” (road test evaluation) as contained in the Model School Bus Driver Training Manual.

Operating Rules And Procedures – For Buses Owned, Leased Or Contracted By School

A. General Operating Rules

1. School buses shall be operated in accordance with state traffic and school bus safety laws and the procedures contained in the Minnesota Department of Public Safety Model School Bus Driver Training Manual.
2. Only students assigned to the school bus by the school shall be transported. The number of students or other authorized passengers transported in a school bus shall not be more than the legal capacity for the bus. No person shall be allowed to stand when the bus is in motion.
3. The parent/guardian may designate, pursuant to school policy, a day care facility, respite care facility, the residence of a relative or the residence of a person chosen by the parent or guardian as the address of the student for transportation purposes. The address must be in the attendance area of the assigned school and meet all other eligibility requirements.
4. Bus drivers must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.
5. Bus drivers must park and load school buses at a sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems.

B. Type III Vehicles

1. Type III vehicles are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer’s rated seating capacity of 10 or fewer people including the driver and a gross vehicle weight rating of 10,000 pounds or less. A van or bus converted to a seating capacity of 10 or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.
2. Type III vehicles must be painted a color other than national school bus yellow.
3. Type III vehicles shall be state inspected in accordance with legal requirements.

4. Type III vehicles cannot be older than 12 years old unless excepted by state and federal law.
5. If a Type III vehicle is school owned, the school name will be clearly marked on the side of the vehicle. The Type III vehicle must not have the words “school bus” in any location on the exterior of the vehicle or in any interior location visible to a motorist.
6. A “Type III school bus” and “Type III Head Start bus” must not be outwardly equipped and identified as a Type A, B, C, or D bus.
7. Eight-lamp warning systems and stop arms must not be installed or used on Type III vehicles.
8. Type III vehicles must be equipped with mirrors as required by law.
9. Any Type III vehicle may not stop traffic and may not load or unload before making a complete stop and disengaging gears by shifting into neutral or park. Any Type III vehicle used to transport students must not load or unload so that a pupil has to cross the road, except where not possible or impractical, then the driver or assistant must escort a pupil across the road. If the driver escorts the student across the road, then the motor must be stopped, the ignition key removed, the brakes set, and the vehicle otherwise rendered immobile.
10. Any Type III vehicle used to transport students must carry emergency equipment including:
 - Fire extinguisher. A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver’s compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.
 - First aid kit and body fluids cleanup kit. A minimum of a ten-unit first aid kit and a body fluids cleanup kit is required. They must be contained in removable, moisture- and dust-proof containers mounted in an accessible place within the driver’s compartment and must be marked to indicate their identity and location.
 - A Type III bus must contain at least three red reflectorized triangle road-warning devices. Liquid burning “pot type” flares are not allowed.
 - Passenger cars and station wagons may carry a fire extinguisher, a first aid kit, and warning triangles in the trunk or trunk area of the vehicle if a label in the driver and front passenger area clearly indicates the location of these items.
11. Students will not be regularly transported in private vehicles that are not state inspected as Type III vehicles. Only emergency, unscheduled transportation may be conducted in vehicles with a seating capacity of 10 or fewer without meeting the requirements for a Type III vehicle. The school has no system of inspection for private vehicles.
12. All drivers of Type III vehicles will be licensed drivers and will be familiar with the use of required emergency equipment. The school will not knowingly allow a person to operate a Type III vehicle if the person has been convicted of an offense that disqualifies the person from operating a school bus.

C. Type A-II “Activity” Buses Driven by Employees with Class D Driver’s License

- The holder of a Class D driver’s license, without a school bus endorsement, may operate a Type A-II school bus under the following conditions:
 - The operator is an employee of the school or an independent contractor with whom the school contracts for the school bus and is not solely hired to provide transportation services under this paragraph.
 - The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.
 - The operator is prohibited from using the eight-light system.
 - The operator has submitted to a background check and physical examination as required by Minn. Stat. § 171.321, Subd. 2.
 - The operator has a valid driver’s license and has not sustained a conviction of a disqualifying offense as set forth in Minn. Stat. § 171.02, Subd. 2a(b).
 - The operator has been trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration’s “Guideline for the Safe Transportation of Pre-school Age Children in School Buses” in addition to the training required in Part VI., above.
- The school shall maintain annual certification of the requirements listed in this section for each Class D license operator.
- A school bus operated under this section must bear a current certificate of inspection.
- The word “School ” on the front and rear of the bus must be covered by a sign that reads “Activities” when the bus is being operated under authority of this section.

School Emergency Procedures – For Buses Owned, Leased Or Contracted By School

- A. If possible, school bus drivers or their supervisors shall call “911” or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III “Crash & Emergency Preparedness” of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).
- C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within one month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of pupils with disabilities, assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:
 - The pupil’s name and address;

- The nature of the pupil's disabilities;
- Emergency health care information; and
- The names and telephone numbers of the pupil's physician, parents, guardians, or custodians, and some person other than the pupil's parents or custodians who can be contacted in case of an emergency.

School Vehicle Maintenance Standards - – For Buses Owned, Leased Or Contracted By School

- All school vehicles shall be maintained in safe operating conditions through a systematic preventive maintenance and inspection program adopted or approved by the school.
- All school vehicles shall be state inspected in accordance with legal requirements.
- A copy of the current daily pre-trip inspection report must be carried in the bus. Daily pre-trip inspections shall be maintained on file in accordance with the school's record retention schedule. Prompt reports of defects to be immediately corrected will be submitted.
- Daily post-trip inspections shall be performed to check for any children or lost items remaining on the bus and for vandalism.

School Transportation Safety Director

The school board has designated an individual to serve as the school's school transportation safety director. The school transportation safety director shall have day-to-day responsibility for pupil transportation safety, including transportation of nonpublic school children when provided by the school. The school transportation safety director will assure that this policy is periodically reviewed to ensure that it conforms to law. The school transportation safety director shall certify annually to the school board that each school bus driver meets the school bus driver training competencies required by Minn. Stat. § 171.321, Subd. 4. The transportation safety director also shall annually verify or ensure that the private contractor utilized by the school has verified the validity of the driver's license of each person who transports students for the school with the National Driver's Register or the Department of Public Safety. The school transportation safety director also shall confirm annually to the director that students have received school bus safety training in accordance with state law. The name, address and telephone number of the school transportation safety director are on file in the school office. Any questions regarding student transportation or this policy may be addressed to the school transportation safety director.

30. Crisis Management Policy (MSBA #806)

Adopted by Noble Academy Board of Education: _____, 200__.

Purpose

The purpose of this Crisis Management Policy for Noble Academy is to act as a guide for the Charter School Director, school employees, students, school board members, and community members as to how to address a wide range of potential crisis situations in the school. The step-by-step procedures suggested by this Policy will provide guidance to each school building in drafting crisis management plans to coordinate protective actions prior to, during, and after any type of emergency or potential crisis situation in the school. Please note that, pursuant to this Policy, tailored crisis management plans will be developed for each school building in the school and sections or procedures may be added or deleted in those crisis management plans based on building needs.

General Information

A. The Policy and Plans

The school's Crisis Management Policy has been created in consultation with local community response agencies and other appropriate individuals and groups likely to be involved in assisting with a school emergency. It is designed so that the Charter School Director can tailor a crisis management plan to meet that building's specific situation and needs.

The school administration and/or the administration of each building shall present tailored crisis management plans to the school board for review and approval. These building-specific crisis management plans will include general crisis procedures and crisis-specific procedures. Upon approval by the school board, such crisis management plans shall be an addendum to this Crisis Management Policy. This Policy and the plans will be maintained and updated annually.

B. Elements of the Crisis Management Policy

1. General Crisis Procedures. The Crisis Management Policy includes general crisis procedures for securing the building, classroom evacuation, building evacuation, campus evacuation, and sheltering. It designates the individual(s) who will determine when these actions will be taken.
 - Lock-Down Procedures. Lock-down procedures will be used in situations that may result in harm to persons inside the school building, such as a shooting, hostage incident, intruder, trespassing, disturbance, or at the discretion of the Charter School Director or designee. The Charter School Director or designee will announce the lock-down over the public address system or other designated system. The alert will be made using a pre-selected code word. Provisions for emergency evacuation should be maintained even in the event of a lock-down. The Charter School

- Director will submit lock-down procedures for each building as part of the building-specific crisis management plan.
- Evacuation Procedures. Classroom, building, and campus evacuations may be implemented at the discretion of the Charter School Director or designee. Each building's crisis management plan will include procedures for transporting students and staff a safe distance from harm to a designated safe area until released by the Charter School Director or designee, as appropriate. Safe areas may change depending on the emergency.
 - Sheltering Procedures. Sheltering provides refuge for students, staff, and visitors within the school building during an emergency. Shelters are safe areas that maximize the safety of inhabitants. Safe areas may change depending on the emergency. The Charter School Director or designee will announce the need for sheltering over the public address system or other designated system. Each Charter School Director will submit sheltering procedures for a building as part of the building-specific crisis management plan.
2. Crisis-Specific Procedures. The Crisis Management Policy includes crisis-specific procedures for potential crisis situations that may occur during the school day or at school -sponsored events and functions. These school -wide procedures are designed so that the Charter School Director can tailor response procedures when creating building-specific crisis management plans.
3. Additional Procedures. The school administration will present recommended early school closure, media and grief counseling procedures to the school board for review and approval. Upon approval, such procedures will be an addendum to this policy.
- Early School Closure Procedures. The Charter School Director will make decisions about closing the school. The Charter School Director will make such decisions as early in the day as possible. The early school closure procedures will describe potential reasons for early school closure (weather-related or a crisis situation), will specify how the decision will be communicated to staff, students, families and the school community (including means such as broadcast media, local authorities, or a phone tree), and will discuss factors to be considered in closing and reopening a school or school building. The early school closure procedures also will include a process for reminding parents and guardians to listen to designated radio and TV stations for school closing announcements, where possible.
 - Media Procedures. The Charter School Director has the authority and discretion for notifying parents and guardians and the school community in the event of a crisis or early school closure.
 - Grief-Counseling Procedures. The recommended grief counseling procedures will provide for initiating a grief-counseling plan utilizing available resources such as the school psychologist, counselor, community grief counselors, or others in the community. The grief-counseling procedures will be used whenever determined by the Charter School Director or the Vice-Principal to be necessary, such as after an

assault, a hostage situation, shooting, or suicide. The grief-counseling procedures should include the following steps.

- (1) Meet with school counseling staff to determine the level of intervention for students and staff (was the crisis on campus, were there student or staff witnesses, etc.).
- (2) Designate specific rooms as private counseling areas.
- (3) Escort siblings and close friends of the victim(s) and other highly stressed students and staff to counselors.
- (4) Prohibit the media from questioning students or staff.
- (5) Follow-up with students and staff who receive counseling.
- (6) Resume normal routines as soon as possible.

Upon approval, such grief counseling procedures will be an addendum to this policy.

4. Facility Diagrams and Site Plans. The school building will have a facility diagram and site plan showing at least the following: the location of primary and secondary evacuation routes, exits, designated safe areas inside and outside of the building, fire alarms, fire extinguishers, hoses and water spigots. The facility diagrams and site plans will be available in the office of the Charter School Director and in appropriate areas and will be kept on file in the school office.
5. Emergency Telephone Numbers. The school will maintain a current list of emergency telephone numbers and the names and addresses of local and county personnel who are likely to be involved in resolving a crisis situation. The list will include numbers for agencies such as the police, fire, ambulance, hospital, the Poison Control Center, local, county, and state emergency management agencies, local public works department, local utility companies, the public health nurse, mental health/suicide hotlines, and the county welfare agency, so that they may be contacted as appropriate. A copy of the list for each building will be kept on file in the school office and will be updated annually.
6. Crisis Response Teams
 - Composition. The Charter School Director will select a crisis response team trained to respond in an emergency. All team members will be trained to carry out the building's crisis management plan and have knowledge of procedures, evacuation routes, and safe areas. Team members must be willing to be actively involved with resolving crises and be available to assist when necessary. The School will maintain a current list of crisis response team members and update it annually. A copy of the list will be kept on file in the school office.
 - Leaders. The Charter School Director serves as the leader of the crisis response team and the Charter School Director contact for emergency response officials. When they are present, emergency response agents may elect to take command and control of the situation. It is critical in this situation that school officials assume a resource role and are available to the emergency response personnel.

7. Employees. Teachers generally have the most direct contact with students on a day-to-day basis. As a result, they must be aware of their role in responding to crisis situations. This also applies to non-teaching school personnel who have direct contact with students. All staff should be aware of the Crisis Management Policy and their own building's crisis management plan. Employees shall receive a copy of the relevant building specific crisis management plan and periodically shall receive training on plan implementation.
8. Students and Parents/Guardians. Students and parents/guardians shall be made aware of the school 's Crisis Management Policy and relevant tailored crisis management plans for each school building. Students shall receive specific instruction on plan implementation and shall participate in a required number of drill and practice sessions throughout the year.
9. Warning Systems
 - The school shall maintain a warning system designed to inform students, employees, and visitors in the facilities of a crisis or emergency. This system shall be maintained on a regular basis under the maintenance plan for all school buildings.
 - It shall be the responsibility of the Charter School Director to inform students and employees of the system and the means by which the system is used to identify the specific crisis or emergency involved.

For procedures for specific crises of natural, criminal, or other causes, please refers to MSBA #806.

31. Minnesota Public School Fee Statute

Adopted by Noble Academy Board of Education: _____, 200__.

The following is a selection from *Minnesota's Public School Fee Law and Education Tax Credit and Deduction* by Legislative Analysts, Lisa Larson and Nina Manzi (House Research Department. St. Paul, MN. January 2003)

“Minnesota’s Policy Governing Student User Fees for School Services

Minnesota provides a free public school education consistent with state constitutional requirements. Districts may charge only those fees authorized in statute and must hold a hearing before imposing fees that are neither authorized nor prohibited by statute. Under the state’s public school fee law, school districts cannot deny students an education based on students’ inability to furnish books or other educational supplies needed to complete high school graduation or other related educational requirements. School districts may not suspend or exclude students or withhold students’ grades or diplomas for failing to pay school fees. School districts may accept voluntary contributions and may charge fees for extracurricular and non-curricular activities, or activities that supplement a class or educational program. School districts deposit the proceeds from extracurricular and non-curricular fees in the “undesignated-unreserved” portion of the district’s general fund.

Authorized Public School Fees. School districts may require students to pay for certain specified school -related costs. Such school -related costs include fees for school uniforms, extracurricular activities, security deposits, personal athletic equipment, supplementary field trips, voluntary student insurance, musical instruments, student publications, graduation announcements, class rings, post-secondary instructional programs excluding adult basic education programs, and personal stationery supplies. In addition, school boards may charge fees for lost or destroyed textbooks, workbooks, and library books if the school district annually informs parents and students about its fee policy regarding lost and destroyed books. School districts must hold a public hearing before imposing a fee that is neither authorized nor prohibited by statute. School districts may waive fees for economically disadvantaged students.

Prohibited Public School Fees. Because the state makes available a free public school education to all eligible students, school boards are prohibited from charging fees for necessary goods and services. Such necessary goods and services include instructional material and supplies, required library books, required school activities, lockers and student transportation to and from school for which aid or a levy is authorized. School boards must not charge a bus fee to students who live more than two miles from school but may charge a bus fee to students who live within two miles of school and wish to ride the school bus. Although school districts may not withhold the grades or diplomas of students who fail to pay fees, districts may seek court action to collect unpaid fees. It is

not clear whether remedial instruction constitutes supplemental education, where a fee is permitted, or core curricula, where a fee is prohibited.

Advantages and disadvantages of Charging Student Fees

Student user fees generate revenues for school districts. They also can present concerns for school s officials and state policymakers regarding equity in generating and allocating funds, accountability, and taxpayer support of school funding.

User fee supporters argue that fees are more acceptable than general tax increases because people who use fee-subsidized services help pay for them. The absence of fees, they say, would force school officials to eliminate entire extracurricular or enrichment programs that are important but cannot be funded with current levels of state aid or local tax revenues. By requiring students to pay participation fees for extracurricular activities, for example, a district can generate additional revenue that it can use to help offset a budget shortfall in an extracurricular activity or to help pay for new extracurricular activities not funded by a district.

User fee opponent argue that fees determine the notion of a free public education by diminishing students' equal access to education, students' self worth, and equity among taxpayers. Fiscal inequities can arise when parent-teacher associations in neighboring school s are not equally successful in using fees to raise funds to supplement classroom resources. Inequities also can arise when affluent school districts are able to charge fees and thus spend at above average levels, and widen the gap in available resources with less wealthy districts. In addition, although fee-generated revenues rarely produce large amounts of money compared to other state and local funding sources, they may affect public support for tax levies and bond issues. Opponents say that while a law may waive fees for students who qualify for subsidized meals, fee waivers may separate student based on economic status and leave many students and their parents who are ineligible for fee waivers also unable to pay. Fees may vary widely between school districts.”

32. Special Education Laws

Adopted by Noble Academy Board of Education: _____, 200__.

The following is a selection from *Fundamentals of School Board Membership—A Guide for Newly-Elected Charter School Board Members*, pp. 26-27.

“Minnesota’s charter school legislation requires federal and state educational mandates for a free and appropriate education for children and youth with disabilities to be followed. Here are some of the main statutes relating to education for students with disabilities: someone on your staff should knowledgeable about special education laws and able to manage the school’s special services so as to comply with the laws. For further detail, see the *Minnesota Charter School’s Special Education Handbook*, the Special Education Director at the Minnesota Charter School Special Education Project.

The American with Disabilities Act (ADA): The purpose of ADA is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. This law defines disability as persons that have a physical or mental impairment that substantially limits a major life activity, or are regarded as disabled by others. It addressed reasonable accommodations and legal employment practices. It requires that public and private programs be accessible to individuals with disabilities. Education is addressed in terms of accessibility requirements (e.g. students being able to access the building, its restrooms and school sponsored activities; parents with disabilities being able to access any programs, materials, or information provided to others). The non-discriminatory hiring and employment practices for employees and individuals seeking employment apply to any charter school with 15 or more employees. Undue hardship is addressed in this law. The size of the school and its budget, the type of operation, nature and cost of the accommodation is considered requiring that an accommodation be made. Minnesota’s Department of CFL has developed an [Accessibility Survey Tool](#) for use by school district for self-evaluation.

Section 504 of the Rehabilitation Act of 1973 (504): This broad civil rights law protects the rights of individuals with disabilities in programs and activities Federal financial assistance (e.g. Title I funds) from the U.S. Department of Education. It requires the provision of a free and appropriate public education to eligible learners. An appropriate education means an education comparable to the education provided to non-disabled learners. It requires the provision of educational accommodations for the purpose of “leveling the playing field”. A learner is eligible if he/she meets the definition of disability: currently has or has had a physical or mental impairment that substantially limits a major life activity, or is regarded as disabled by others. The regulations of this law require reasonable accommodations be made regarding building and program accessibility. Consideration is given for the size of the program, extent of accommodation and relative cost. Procedural safeguards are required, e.g. prior

notice must be made to parents with respect to identification, evaluation and placement of the learner. This law requires that any district with 15 or more employees designate an employee to be responsible for assuring district compliance with 504 and to provide a grievance procedure for parents, learners and employees. Due process includes providing an impartial hearing for parents or guardians who disagree with the identification, records or placement of learners eligible for protection under this law. The Minnesota Department of CFL [Accessibility Survey Tool](#) also relates to civil rights under 504; the Department of CFL has also published a manual, Section 504: *Educational Modification and Accommodations—Meeting the Needs of Learners.*”

The Individuals with Disabilities Education Act (IDEA): This federal education act and its regulations, along with Minnesota’s statute on special education and its rule are mandates to all public schools, including charters. This law entitles the qualified learner to a free and appropriate education plan (IEP) by a prescribed team; the determination of an appropriate placement in the least restrictive environment; and affording parents and their children their due process protections in relation to identification, assessment, the IEP process, placement, and services including the right to a due process hearing. Eligibility criteria are provided in thirteen categorical disability areas. This complex and substantial set of legal requirements to learners qualifying as eligible requires thoughtful consideration beginning with the proposal statement of the charter school.

33. Graduation Rule

Adopted by Noble Academy Board of Education: _____, 200__.

Charter schools, like all public schools, are required to meet the provisions of the Minnesota Graduation Rule, which have changed significantly since 2002. This Policy is currently under revision. The Charter School, by adopting this policy, agrees to follow the Minnesota Academic Standards requirements, imbed the standards in their curriculum and actively participate in the Minnesota Comprehensive Assessments II and any other changes or modifications brought forward by the State.

34. Health and Safety, Additional Laws

Adopted by Noble Academy Board of Education: _____, 200__.

The following is a selection from *Fundamentals of School Board Membership—A guide for Newly-Elected Charter School Board Members*, pp. 30-32.

“The charter school statute provides that charter schools must “meet all applicable state and local health and safety requirements.” In other words, charter schools are subject to the same health and safety regulations as other public schools.

The main health and safety areas to keep in mind are¹:

- Immunizations and Screening. State law requires that students entering Kindergarten in Minnesota be immunized against a number of diseases. The list currently includes DPT (diphtheria, tetanus, and pertussis), polio, measles, mumps, rubella, haemophilus influenza B, and hepatitis B (beginning 200-2001). All school s must obtain this information from parents of entering kindergartners; contact MACS for a sample Immunization Record form. When registering new students, it is laso good to include questions about any allergies or other medical conditions a student may have, the family physician, and phone numbers for an individual to contact in an emergency.
Children entering grade 7 must show proof of an additional diphtheria/tetanus and measles/mumps/rubella booster shop.
In practice many school s, particularly in low income areas, offer to do immunizations for kids who need them. Depending on your population, you may want to consider this. In addition, it is standard practice (though not required by law) to screen children for vision and hearing problems. If at all possible, it is a good idea to have a school nurse maintain student health records and take care of screenings, and train staff in basic first aid procedures. Most charter school s will not need (or be able to afford) a full time nurse, but it may be possible to contract with one for a few hours per week; consider this when planning staffing for the school .
State law also requires evidence of a sensory and developmental screening upon kindergarten enrollment (also knows as Early Childhood Screening, or ECS)
- Medications. If students are on medications that must be administered during the day, the school must be provided with a written order by a prescribing health professional and authorization by a parent or guardian. This applies to over-the-counter as well as prescription medications. Medications must be kept locked up, and must be administered by a school nurse or other individual designated to do this.

¹ The following is taken from the *Minnesota Charter School Handbook*, pp. 55-56.

You'll want to have a form to authorize administration of medications; MACS can provide an example.

- **Criminal Background Checks.** Minnesota statutes (M.S. 120.1045) mandate that all schools must request a criminal background check on all individuals hired. The usual way to do this is through the state Bureau of Criminal Apprehension, which conducts the background checks for a fee of \$8 each. The employee must sign a consent form in order for the check to be carried out; the BCA will send a template for this, showing what information is needed. A school may terminate an individual based on the results of the background check.
- **Mandatory Reporting.** State law requires that anyone working with children who suspects neglect or abuse must report this to county child protection officials.
- **Building Safety.** You'll want to make sure your school facility meets fire code, tornado safety requirements, and air and water quality standards. Asbestos and lead-based paints may be an issue in older buildings.
- **Bus Safety.** All schools must provide bus safety training to any students who are transported on buses. If the charter school provides its own transportation, it must ensure that the vehicles used meet codes.
- **Food Safety.** Any school that serves food must meet state health department requirements for sanitation in food preparation and storage. Personnel responsible for sanitation must attend a training course."

35. Complaints – Students, Employees, Parents, Other Persons (MSBA # 103)

Adopted by Noble Academy Board of Education: February 25, 2008

I. PURPOSE

Noble Academy takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of the school district, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

II. GENERAL STATEMENT OF POLICY

- A. Students, parents, employees or other persons may report concerns or complaints to the school. While written reports are encouraged, a complaint may be made orally. Any employee receiving a complaint shall advise the principal/director or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the principal/director. A person may file a complaint at any level of the school district; i.e., lead teacher, principal/director, or school board. However, persons are encouraged to file a complaint at the level closest to the source or cause of the complaint being filed.
- B. The School Board hereby designates the Charter School Director to ultimately receive all complaints or concerns presented by students, parents, employees or other persons. However, if the concern or complaint involves the Charter School Director/Principal, the complaint shall be filed directly with the Chairperson of the school board, or his/her designee.
- C. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of the investigation or follow-up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the principal/director who shall determine whether an internal or external investigation should be provided. In either case, the principal/director shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter.
- D. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken. The principal/director shall be copied on the correspondence and consulted in advance of the written response when appropriate. If the Board Chair receives the complaint of concern concerning the Principal/Director, the Board Chair, or his/her designee, shall respond in writing to the complaining party including any appropriate action or measure that was taken. The response to the complaining party shall be consistent with the

rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.

Dissemination of Policy and Training

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to parents, pupils and staff members.
- B. This policy shall be given to each school employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall be summarized in the student and parent handbooks.
- D. The school will develop a method of discussing this policy with students, parents and employees.
- E. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)